

PLAN OF OPERATION AND CLOSURE

Dakota Bluffs, LLC
Burleigh County, North Dakota
ND Solid Waste Permit #0163

Prepared for:

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Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that properly qualified personnel properly gather and evaluate the information submitted based on my inquiry of the person or persons who manage the system, or those persons responsible for gathering the information. The information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.



Todd A. Hartleben, P.E.

06/05/2022
Date

License No. 5659

**Plan of Operation and Closure
Dakota Bluffs, LLC
Burleigh County, North Dakota**

TABLE OF CONTENTS

1.0	INTRODUCTION	1
2.0	SITE DESCRIPTION	3
3.0	FACILITY DEVELOPMENT	4
4.0	PLAN OF OPERATION	5
A.	NDAC 33.1-20-04.1-03	5
1.	Plan	5
2.	Waste Acceptance Procedures	5
3.	Waste Handling Procedure	7
4.	Inspection and Monitoring Plan	9
5.	Contingency Plan	10
6.	Leachate Removal System Operation and Maintenance Procedures	12
7.	Safety Procedures	12
8.	Partial Closure Procedures	12
9.	Industrial/Special Waste Management Procedures	12
10.	Amended Plan Criteria	16
11.	Inspection by Owner/Operator	16
B.	NDAC 33.1-20-04.1 Record Keeping and Reporting	17
1.	Approval to Accept Waste	17
2.	Operating Record	17
C.	Annual Report	20
5.0	PLAN OF CLOSURE	21
A.	NDAC 33.1-20-04.1-05 and 33.1-20-14-02 Plan of Closure	21
1.	Closure Criteria	21
2.	Maintenance Minimization	21
3.	Waste Control Methods	21
4.	Partial Closure Plan	21
5.	Closure Timing	22
6.	Closure Reporting	22
7.	As-built Drawings	22
8.	Closure Certification	22
9.	Written Closure Plan	22
1.	Subsection 4. Closure Standards	24
2.	Future Use of Inert Waste Facility	24
3.	Final Cover Design	24
4.	Final Cover	25
5.	Beneficial Uses	22

6.0	POST-CLOSURE CRITERIA.....	26
A.	NDAC 33.1-20-05.1-05 Post-closure Criteria	26

APPENDICES

Appendix A	Property Deeds and Easement Documents Local Zoning Documents
Appendix B	General Site Information
Figure 1	USGS Topo Map
Figure 2	Land Ownership Map
Figure 3	County Road Map
Figure 4	Aerial Photo
Appendix C	Dakota Bluffs Landfill Log of Operations Random Load Inspection Form Guidelines for Accepted/Rejected Waste
Appendix D	Site Safety Plan
Appendix E	Wetland Map
Appendix F	Well Information

1.0 INTRODUCTION

Dakota Bluffs, LLC is proposing a revised expansion of the existing inert landfill operating under North Dakota Department of Environmental Quality (NDDEQ) Permit 0163. This Plan of Operation and Closure has been updated in support of the permit expansion under Dakota Bluffs, LLC (Dakota Bluffs).

The primary contacts for the facility are as follows:

Mitch Kaelberer
Owner
701-220-2020

Shaun Haux
Operations Manger
701-301-9182

George Schick
Site Operator
701-226-1611

The facility accepts only those wastes allowed under the NDDEQ inert waste disposal rules and regulations, Sections 33.1-20-05.1 and 33.1-20-04.1-02, -03, -04, -05 and -09, and the terms of Permit 0163.

This document contains the Plan of Operation and Closure of the Inert Waste Facility, which spells out the management, operation, and future closure of this facility as required under the North Dakota Administration Code (NDAC) Article 33.1-20.

This document has two primary components: the Plan of Operation and the Plan of Closure. These plans are required by state inert waste rules and associated regulations applicable to inert waste facilities.

The principal objective of the Plan of Operation is to provide the facility operator and employees with a plan for the operation of Dakota Bluffs, LLC. It has the following purposes:

- Identify approved disposal areas.
- Identify waste limits and elevations.
- Identify waste acceptance and handling procedures
- Establish an inspection and monitoring plan
- Provide contingencies for emergency situations
- Keep the site secure from unauthorized personnel
- Identify equipment used onsite and the operation and maintenance of the equipment
- Provide a safety plan for the facility
- Exclude unauthorized disposal and use of the facility
- Identify partial closure procedures

- Establish a waste management plan
- Provide a procedure for inspection of the facility by the owner/operator
- Establish recordkeeping and reporting procedures

The complete Plan of Operation is Part 4.0 of this document.

The principal objective of the Plan of Closure is to provide the operator and employees of Dakota Bluffs, LLC with a plan for the closure of the Inert Waste Facility. It has the following purposes:

- Control waste and minimize maintenance
- Establish a timeline for partial closure and a timeline for closure
- Identify closure reporting criteria
- Provide the owner/operator with a written closure plan detailing steps necessary for final closure, including construction of the final cover
- Minimize percolation
- Suppress vectors
- Suppress the danger of fire
- Prevent blowing litter
- Promote aesthetics
- Enhance site reclamation
- Reduce the potential for post-closure intrusion
- Address final reporting and public notice requirements

The complete Plan of Closure and associated Post-closure Criteria are Parts 5.0 and 6.0 of this submittal, respectively.

A Certificate of Zoning Compliance for the facility by Burleigh County is included in Appendix A.

2.0 SITE DESCRIPTION

The Dakota Bluffs Inert Waste Facility is located approximately eight (8) miles north of the City of Bismarck, North Dakota, and two and one-half (2½) miles west of United States Highway 83. The facility is situated on parcels of property comprising approximately 396 acres. Approximately 297 acres of this property is currently approved for operation as a sanitary landfill by a special use permit issued by Burleigh County (Ordinance 83-01, adopted January 5, 1983). The extents of the current facility are in the S½-S½-NW¼, and the N½-SW¼ of Section 12, Township 140 North, Range 81 West, Burleigh County, North Dakota.

Dakota Bluffs currently owns or has a contract for deed for the following parcels of land in Township 140 North, Range 81 West:

SE¼- NW¼, Section 11;
S½- NE¼, Section 11;
S½- NW¼, Section 12;
NE¼- SW¼, Section 11;
N½- SE¼, Section 11; and
N½- SW¼, Section 12

The portion of the property described above which is currently approved by County ordinance for landfill operations is as follows:

S½-SE¼-NW¼, Section 11;
S½-S½-NE¼, Section 11;
S½-S½-NW¼, Section 12;
NE¼- SW¼, Section 11;
N½- SE¼, Section 11; and
N½- SW¼, Section 12

A Site Location Map showing the Dakota Bluffs Facility is contained in Appendix B and a boundary survey is presented in the Figures.

3.0 FACILITY DEVELOPMENT

Current disposal activity is currently occurring in the active cell area as depicted on the enclosed figures. Continued operations of the facility will require expansion of the waste disposal operations within the next permit period.

Nine additional disposal cells (53.64-acres) in the North ½ of the Southeast ¼ and the South ½ of the Northeast ¼ of Section 11, are depicted on the enclosed figures. The proposed base grades and final cover elevations are depicted on the enclosed figures.

Existing topsoil and suitable plant growth material (SPGM) would be stripped from this area prior to disposal of inert materials.

Closure of current and future disposal areas will follow orderly development of expansion areas. Closure will be performed in accordance with applicable regulations and will be certified by a registered engineer. The Department of Environmental Quality will be notified prior to initiating closure procedures.

Total disposal capacity of the proposed expansion(s) is approximately 6.5 million cubic yards (less intermediate and final cover volumes). The overall life of the facility is estimated at 93 years based on current disposal volumes. Increases or decreases in disposal volumes and soil handling practices will affect the timing of the overall expansion and life of the facility.

4.0 PLAN OF OPERATION

A. NDAC 33.1-20-04.1-03

1. Plan

The owner or operator of a solid waste management unit or facility shall prepare and implement a plan of operation approved by the department as part of the permit. The plan must describe the facility's operation to operating personnel and the facility must be operated in accordance with the plan. The plan of operation must be available for inspection at the request of the department.

This plan has been prepared to provide personnel with a reference for the operation of the Dakota Bluffs, LLC, which is operated in accordance with the Plan of Operation. The Plan of Operation is available to the operator's site personnel, NDDEQ, and other regulatory officials and agencies.

Each plan of operation must include, where applicable:

2. Waste Acceptance Procedures

A description of waste acceptance procedures, including categories of solid waste to be accepted and waste rejection procedures as required by Subsection 2 of Section 33.1-20-05.1-02, or Subsection 8 of Section 33.1-20-06.1-02, or Subsection 2 of Section 33.1-20-07.1-01, or Subsection 4 of Section 33.1-20-10-03.

Subsection 2 of Section 33.1-20-07.1-01 applies to this facility and states: *Disposal of the following solid waste into inert waste landfills is prohibited: agricultural waste, asbestos waste, municipal waste, commercial waste, industrial waste, special waste, regulated infectious waste, liquid solid waste, hazardous waste, and radioactive waste.*

Only inert waste is accepted at Dakota Bluffs, LLC. Acceptable and unacceptable wastes are presented on the following page and are discussed further in Section 3.A.1.h.(4). Waste is routinely inspected using procedures described in the Inspection and Monitoring Plan (Section 3.A.1.c.) of this Plan of Operation. Waste deemed acceptable is landfilled according to procedures identified in the Waste Handling Procedure (Section 3.A.1.b.) of this Plan of Operation. Waste that is identified as unacceptable and deemed rejected and the generator who brought the waste to the facility is then responsible for proper disposition of the rejected waste.

Guidelines for Accepted/Rejected Waste Dakota Bluffs, LLC

*According to State regulations, certain types of waste cannot be accepted for disposal at the inert waste facility. The following list describes those restrictions.

Acceptable Waste	Unacceptable Waste
<ul style="list-style-type: none"> • Inert Waste: Examples are metal products, wood products, brick products, masonry products, cement, cured concrete, asphalt, tires, tree branches. (This does not include special waste, industrial waste, or any of the restricted materials) • Fiberglass, urethane, polyurethane, and epoxy resin waste when mixed with construction debris. • Metal waste and appliances* that do not contain oils, solvents, PCBs, or other similar materials. • Grass and leaves (accepted and set aside for composting). • Trees (accepted and landfilled). • Tires (accepted and set aside for shredding to use as a cover material or landfilling). • Lime sludge <p><i>*These materials are accepted only if delivered to the Inert Waste Facility and refrigerant has been removed.</i></p>	<ul style="list-style-type: none"> • Asbestos, garbage, putrescible or household or municipal waste. • Hazardous waste including ignitables (solvents, paints & fuel), corrosives (Acids & alkalis), reactives, toxicity characteristics and listed wastes. • Industrial waste, if not addressed in the industrial waste management plan and the permit. • Lead acid batteries. • Liquids. • Bulk chemical containers (Exception-triple rinsed & punctured pesticides will be accepted). • Polychlorinated biphenyls (PCB) waste/oil including transformers from fluorescent lights. • Raw or digested sewage sludge, grit chamber cleanings, animal manure, septic tank pumpings, bar screenings and other sludge. • Regulated infectious waste, except in household amounts. • Special waste • Used oil (none-including household amounts) • Radioactive waste • Rendering and slaughterhouse waste • Foundry ash • Spent activated carbon filters. • Paint waste • Fiberglass, urethane, polyurethane, or epoxy resin waste • Oil & gas exploration and production waste • Contaminated soil waste • Soluble wastes (fly ash, salt, etc.) • Animal carcasses • Waste grain, seed, and elevator screenings <p><i>The North Dakota Department of Environmental Quality has established the above list of restricted wastes. The Inert Waste Facility does not accept these wastes for landfilling. This list may be subject to changes as rules are revised or as wastes are approved or disapproved by the Department.</i></p>

The facility's operator is responsible for, and supervises, waste acceptance and handling at Dakota Bluffs, LLC. The facility has a year-round operating schedule. The facility is only open to private haulers and not open to the public. The hours of landfill operation are typically Monday through Friday from 7 A.M. to 5 P.M. and Saturday until noon, or by appointment after hours. The days and hours of operation may vary, if warranted, to accommodate seasonal and operational variables.

The operator or his designee inspects the waste and ensures proper offloading, segregation, and final placement of the waste. The operator supervises employees who operate equipment at Dakota Bluffs, LLC, and observe unloading operations by waste transporters who haul into the facility. This procedure is followed to ensure proper segregation and landfilling of inert waste. The facility is locked, and keys are available only to the operator and his employees.

The tire shredding facility generally operates during these same hours; however, hours may vary according to the number of tires that need to be processed. Tire hauling trucks may enter and leave the facility at various times (according to pick up and delivery schedule(s)). No dumping of tires or tire shreds will occur without an operator at the site.

Landfill construction and earthmoving activities may occur outside of these hours.

3. Waste Handling Procedure

Waste is accepted at Dakota Bluffs, LLC, according to the operating schedule detailed above. Most of the waste accepted at the facility is hauled to the facility by private haulers.

Tire Processing and Shredding

Used tires are collected from automotive maintenance and retail tire stores from multiple states. The tires are brought to the facility via semi-truck where they are off-loaded at the tire processing building. The tires are sorted during off-loading and tires that are considered recyclable are sold to customers wanting used tires. Tires that are not recyclable are shredded for disposal in the landfill. Tire shreds are hauled to the active face of the landfill and stockpiled to one side of the daily disposal area. They are spread over the inert waste and used for daily cover at the end of the day. Whole tires that cannot be shredded are covered with at least two feet of other waste before the daily cover is placed.

Lime Sludge Disposal

Dakota Bluffs, LLC accepts lime sludge from the City of Bismarck Water Treatment Plant. Lime sludge will be off-loaded in the active disposal area, but apart from the daily waste stream, for drying. It cannot be off-loaded and mixed with waste immediately due to the slippery nature of the lime sludge and safety concerns of operators. Once dried, it will be mixed with other waste.

In the event the delivery truck cannot access the disposal area (wet weather), lime sludge will be off loaded at the Solidification Pit. The Solidification Pit consists of a concrete pad with concrete

block sidewalls. The delivery truck will back onto the concrete pad and off load the lime sludge. The lime sludge will then be transferred to the active disposal area by landfill personnel.

Wood Waste

Generally, wood waste (trees, pallets, etc.) will be landfilled. However, wood waste may be stockpiled for shredding instead of landfilled. A wood waste stockpile has been designated on Sheet 2 of the Permit drawings.

Inert Waste Disposal

Upon entering the facility, the waste transport vehicle moves to the offloading location appropriate to the type of waste being transported, as directed by facility personnel. The inert waste is offloaded. Waste is consolidated and compacted within the fill area, as needed, through operation of a bulldozer, loader, or other suitable compaction equipment.

The operator or his designee is the last to leave the facility following disposal operations. The gate at the facility entrance is secured at the completion of daily operations. A daily cover of tire shred and/or dirt is placed over the inert waste at least daily. The waste may be covered more frequently, depending upon the quantity and type of inert waste accepted.

Control of Wind-Blown Litter

Portable litter screens/fences will be deployed at the working face of the landfill. The fence panels will be moved to the downwind side of the active area, as necessary. The fence panels will be butted together to prevent gaps between panels. Litter that collects on the fence panels will be removed and placed within the active waste disposal area. Disposal activity may cease if the wind speed becomes too high and wind-blown material cannot be controlled. Generally, disposal activity will cease if the wind speed exceeds 35 miles per hour.

NDAC 33.1-20-04.1-07 requires the following for composting of grass and leaves.

- a. Direct surface water or storm water from composting and waste storage areas*

Surface water from areas upgradient of the compost area is directed away from the compost area using earthen berms.

- b. Control surface water drainage to prevent leachate runoff*

Surface water drainage from the compost areas will be controlled and not allowed to discharge offsite.

- c. Store solid waste separated from compostable material in a manner that controls vectors and aesthetic degradation, and remove this solid waste from the site to an appropriate facility at least weekly*

The compostable material is typically delivered to the site separate from other waste types. In the event other wastes are present, inert waste will be managed in the inert waste landfill and municipal solid waste will be rejected. Vectors in the compost area are not expected to be a problem given the absence of a food source in the compost material.

- d. Turn the yard waste periodically to aerate the waste, maintain temperatures, and control odors*

As previously indicated, the compost material is periodically turned to enhance decomposition.

- e. Prevent the occurrence of sharp objects greater than one inch (2.54 centimeters) in size in finished compost offered for use*

Although sharp objects are not typically encountered in the compost material, use of the compost is limited to onsite applications. Therefore, this requirement is not applicable.

Recyclable Materials

Metal and appliances that are brought to the facility, and can be recycled, are temporarily stored in an area apart from the waste disposal area. Items such as air conditioners, refrigerators, and freezers are accepted only if the refrigerant has been removed. The recyclable material is removed from the site when enough have been collected for transport to a recycling facility.

4. Inspection and Monitoring Plan

A description of facility inspection activities required by subsection 2, including frequency:

Inspection and monitoring of waste loads hauled to the facility is performed by the operator to ensure that restricted waste is not accepted. Facility personnel routinely observe the composition of waste that is brought to the facility during unloading and compaction activities. In addition, random load inspections, which entail a more thorough evaluation of waste composition, are conducted. Random inspections of incoming waste loads are performed at the frequency of about one per week, or one percent of the incoming loads, whichever is greater. The load selected for random inspection will be directed to the inspection area, which will typically be the active disposal area. The waste will then be unloaded.

Using a bulldozer, compactor, or other suitable equipment, the equipment operator will separate or spread the load and visually inspect the waste from the cab of his machine. For safety consideration, walking into the waste by facility personnel will be avoided. A random load inspection form, which documents the date, time, waste volume, waste contents, restricted waste and mitigation actions taken, is completed by the operator. The form is signed, dated, and placed in the facility operating record following the inspection. The operating record is maintained at Dakota Bluffs, LLC. The sample load inspection form contained in Appendix C, or a like form, will be used at the facility.

The operator routinely inspects the Inert Waste Facility to ensure:

- Control and rejection of unauthorized waste
- Adherence with the Safety Plan
- Control of blowing dust and litter
- Appropriate controls of vectors
- Observation and identification of fire or explosion hazards, leaks
- Operation of run-on diversion/runoff containment systems

A daily report form is completed that identifies the inspector, date, time, the above-listed criteria, results of the inspection and corrective action steps to be taken, if required. The form is signed, dated, and placed in the facility operating record. A copy of the Daily Log of Operations is included in Appendix C.

5. Contingency Plan

A description of contingency actions for the following:

Fire or Explosion

Dakota Bluffs, LLC is prepared to respond to fire or explosions at the facility. The uncovered area of active disposal of wood, tires, tire shreds, plastic and other potentially burnable material shall not exceed 24,000 square feet unless otherwise approved by the NDDEQ. Adequate cover soil shall be stockpiled near the disposal area to be used in the event of a fire or other emergency. These stockpiles shall, at a minimum, be equivalent to two cubic feet per square foot of open area. If a fire within the inert landfill, or unloaded waste, were to occur, soil berms would be placed around the fire location to prevent the spread of the fire offsite. If the fire is accessible, soil would be pushed over the burning area to smother the fire. Soil berms will only be placed if the operation can be done in a safe manner. Fire extinguishers are placed on all facility equipment and will be used for small fires. A local fire department and/or a local contractor will be called to the site if fires cannot be contained. The names and telephone numbers of emergency responders are included in the Site Safety Plan in Appendix D.

The NDDEQ and the North Dakota Department of Emergency Management will be contacted to assess them of the occurrence. The Site Safety Plan is available to all employees and local public officials who may respond to emergencies at the facility. The Safety Plan identifies appropriate officials by name, address, and telephone number to contact at appropriate response levels in case of such an emergency. The Safety Plan also spells out appropriate actions to be taken in case of fire at the facility.

Leaks

Leaks requiring regulatory action at the Inert Waste Facility are not expected to occur. The only leaks possible at the site are from petroleum products and equipment stored onsite. A temporary berm or containment structure may be constructed around leaking equipment to restrict drainage from any leak moving offsite, if warranted. If a leak occurs in a working area on solid surface, an absorbent may be applied to prevent spreading until cleanup can be accomplished.

If a leak occurs, the operator will notify the NDDEQ as soon as possible by telephoning 1-833-99SPILL (1-833-997-7455) or on the website www.spill.nd.gov.

Groundwater Contamination

There are three (3) groundwater monitoring wells in the vicinity of Dakota Bluffs, LLC. These wells were last tested in 1993. Due to the nature of the waste accepted at this facility, future groundwater monitoring is not anticipated as part of the permit requirements from the NDDEQ.

Other Releases (e.g., dust, debris, failure of run-on diversion or runoff containment systems)

Facility monitoring performed by the operator will assess the facility for blowing dust, debris, failure of run-on diversion and runoff containment systems (Section 3.A.1.c – Inspection and Monitoring Plan). The operator will also assess and monitor any concerns which may be raised by regulatory requirements.

The operator will monitor conditions at the facility to minimize the occurrence of blowing dust and debris. Blowing dust may be controlled by utilizing a water truck to sprinkle water on the facility area(s) generating dust or through use of onsite water hoses.

Blowing debris will be addressed through placement of soil cover and/or tire shred over the exposed waste to alleviate the condition (see Section 3.A.1.b.). Portable wind fences/panels will be deployed on the downwind side of the active disposal area. Litter will be picked up routinely by site personnel.

The storm water runoff containment system is comprised of a collection area located down gradient from the active landfilling locations. The collection area intercepts and contains runoff.

A number of practices may be employed to prevent surface water run-on from adjacent areas. Such practices include: 1) constructing the top of slope of the disposal cell base grade higher than the adjacent ground surface, 2) constructing swales or berms to direct surface water away from the disposal cell, and 3) grading adjacent areas to effect positive drainage away from the disposal cell limits.

Surface water run-on controls will be monitored as part of the routine facility inspections, and maintenance will be performed as warranted.

Heavy precipitation events may cause failure of run-on or runoff control containment systems. Such failures would be temporarily addressed with berms and ditches using available soil until a permanent repair could be made.

A bi-weekly report form is completed that identifies the inspector, date, time, the above-listed criteria, results of the inspection and corrective action steps to be taken, if required. The form is signed, dated, and placed in the facility operating record (Appendix C).

Other Issues

Any other issues pertinent to the facility.

The Dakota Bluffs, LLC sign states only certified haulers are allowed and public dumping is not allowed. Site security is provided to control scavenging, vandalism, and theft, and to prevent unauthorized dumping. Facility gates restrict vehicle access onto the site. The general area is surrounded by a fence.

6. Leachate Removal System Operation and Maintenance Procedures

The Inert Waste Facility does not have a leachate removal system, and one is not required pursuant to the permit and regulatory requirements for this type of disposal facility.

7. Safety Procedures

The Site Safety Plan is presented in Appendix D. The operator is responsible for implementing the plan and assuring all necessary equipment is available and personnel are aware of safety and health protocol. The Safety Plan is applicable for all facility employees and users of Dakota Bluffs, LLC. The Dakota Bluffs, LLC Safety Plan is kept onsite. The plan may be amended from time to time to reflect changes in site conditions, emergency contacts, and safety and emergency response protocol/requirements.

8. Partial Closure Procedures

For landfills, implementation of sequential partial closure.

Dakota Bluffs, LLC will complete phased closure of the facility in areas where inert waste has filled the available disposal capacity. Such partial closure will consist of placing final cover on the completed fill area. The final cover will meet the specifications identified in the Plan of Closure. The filling sequence will progress in such a way as to make the most efficient use of the available site. The Plans present the current disposal area, access roads and general layout of the facility.

The Closure Cover Design is located on the Plans. Placement of suitable cover and grass seeding identified in the Plan of Closure will take place on areas of completed partial closure.

9. Industrial/Special Waste Management Procedures

A description of industrial waste or special waste management procedures, which include:

Notification

A procedure for notifying solid waste generators and haulers of the facility operating requirements and restrictions:

The facility has prepared guidelines that specify the waste that can be accepted at the Inert Waste Facility. These guidelines also identify the waste that cannot be accepted. The guidelines are provided to individuals and haulers when bringing waste onto the facility. The Guidelines for Accepted/Rejected Waste are previously shown in Figure 1.

Evaluating Waste Characteristics

A procedure for evaluating waste characteristics, liquid content, the specific analyses that may be required for specific wastes, and the criteria used to determine when analyses are necessary, the frequency of testing, and the analytical methods to be used.

Dakota Bluffs, LLC has developed a visual procedure for evaluating waste characteristics. Specific waste evaluation guidelines are:

- Major appliances – accepted for later recycling only if refrigerant has been removed
- Grass and leaves – accepted and segregated for composting
- Trees – accepted for landfilling
- Tires – accepted for landfilling
- Liquid wastes of any kind – not accepted
- Special handling requirements and restrictions for specific wastes – refer to Solid Waste Handling (Section 3.A.1.h.(4)[a-p]) of the Plan of Operation
- Household and/or municipal waste – not accepted
- Waste qualifying as inert waste – accepted; liquid restrictions apply to inert waste
- Waste generated by industrial businesses – regulated industrial wastes are not accepted unless expressly approved of by the NDDEQ; liquid restrictions apply

Inspection and Identifying Procedures

A procedure for inspecting and identifying any special management requirements, and the rationale for accepting or rejecting a waste based on its volume and characteristics.

Dakota Bluffs, LLC has established the following protocol for inspecting and monitoring waste at the facility. The operator will direct the waste to be offloaded. During offloading and/or compaction, the operator (using safety procedures) will visually monitor the load or conduct a random load inspection as previously described. He identifies the waste being offloaded following the facility's Guidelines for Accepted/Rejected Waste (Figure 1). Identified restricted wastes are segregated. Any questionable waste is segregated for further inspection. Questionable wastes are appraised to ensure the waste complies with inert waste criteria. Questionable waste identified as inert waste will be landfilled. Waste that is not inert waste will be segregated and returned to the generator for proper disposal.

Solid Waste Management

Procedures for managing the following solid waste, as appropriate:

Bulk Chemical Containers

Bulk chemical containers that contain free product or residue.

Dakota Bluffs, LLC will not accept bulk chemical containers containing free product or residue. Bulk pesticide containers that have been triple rinsed and punctured are accepted.

Asbestos

Dakota Bluffs, LLC will not accept asbestos.

PCB Waste

Waste containing polychlorinated biphenyls at a concentration less than 50 parts per million.

Dakota Bluffs, LLC will not accept PCB waste.

Radioactive Waste

Dakota Bluffs, LLC will not accept regulated radioactive waste.

Rendering and slaughterhouse waste

Dakota Bluffs, LLC does not accept rendering and slaughterhouse waste, carcasses, or dead animals.

Combustible Waste

Wastes that could spontaneously combust or that could ignite other waste because of high temperatures.

Dakota Bluffs, LLC will not accept highly combustible waste, or waste that could ignite other waste because of high temperatures. Wood products that are traditionally inert are accepted for landfilling. Grass and leaves are accepted for composting or landfilling. Tires are accepted for landfilling. The shredded tires are used as a cover material for the inert wastes. In the event of accidental fire involving wood or tire products, the Contingency Plan would be implemented.

Foundry Waste

Dakota Bluffs, LLC will not accept foundry waste.

Ash Waste

Ash from incinerators, resource recovery facilities, and power plants.

Dakota Bluffs, LLC will not accept ash waste.

Paint

Paint residues, paint filters, and paint dust.

Dakota Bluffs, LLC may accept paint residues found in conjunction with demolition or other inert waste. Paint containers from contractors must be empty and contain no free liquids prior to acceptance at the facility.

Sludge

Sludge, including ink sludge, lime sludge, wood sludge, and paper sludge.

Dakota Bluffs, LLC accepts lime sludge from the City of Bismarck Water Treatment Plant. Lime sludge will be off-loaded in a designated area for drying. It cannot be off-loaded and mixed with waste immediately due to the slippery nature of the lime sludge and safety concerns of operators. Once dried, it will be moved to the active disposal area and mixed with other waste. A contingency plan for disposal during wet weather is included in Section 3.

Fiberglass, Urethane, Polyurethane, and Epoxy Resin Waste

Dakota Bluffs, LLC may accept cured fiberglass, urethane, polyurethane, and epoxy resin waste that is intermixed with inert waste generated from the construction or demolition of buildings.

Wind turbine blades may also be accepted. Wind turbine blades will be cut in half on a flatbed trailer. They are then offloaded into the active disposal area where they are crushed with a tracked excavator with a frost tooth and then torn with the frost tooth into small pieces. Blades stay where they are shredded. This allows the landfill to compact and bury the blades without any dead air space.

Spent Activated Carbon Filters

Dakota Bluffs, LLC will not accept spent activated carbon filters.

Oil and Gas Exploration and Production Waste

Dakota Bluffs, LLC will not accept oil and gas exploration and production waste.

Wastes Containing Free Liquids

Dakota Bluffs, LLC will not accept waste containing free liquids.

Contaminated Soil Waste

Contaminated soil waste from cleanup of spilled products or wastes.

Dakota Bluffs, LLC will not accept contaminated soil waste.

Other Solid Waste

Any other solid waste that the owner or operator plans to handle.

Dakota Bluffs, LLC will not accept other waste unless NDDEQ approval is obtained prior to acceptance.

Solid Waste Not Accepted

The owner or operator must describe any solid waste that will not be accepted at the facility.

Dakota Bluffs, LLC is restricted, according to the terms and conditions of Permit 0163 and by 33.1-20-05.1 of the Solid Waste Management Rules for Inert Waste Facilities, from accepting the following:

Household garbage and putrescible waste; asbestos; soluble waste (fly ash, salt, etc.); animal carcasses; waste grain, seed, and elevator screenings; liquids; un-rinsed pesticide containers; lead acid batteries; waste oil; PCB waste/oils; hazardous wastes (i.e., ignitables [solvents, paints, and fuels], corrosives [acids and alkalis], reactives, toxicity characteristic and listed wastes); hazardous materials; manure and septic tank pumpings; or infectious wastes.

10. Amended Plan Criteria

The owner or operator must amend the plan whenever operating procedures, contingency actions, waste management procedures, or waste has changed. The owner or operator shall submit the amended plan to the department for approval or disapproval.

Dakota Bluffs, LLC will assess the Plan of Operation whenever a new condition arises that may require the Plan of Operation to be amended. Where appropriate, the facility will contact the NDDEQ regarding the feasibility of the proposed change. Should the change be appropriate, the Plan of Operation will be amended. The affected Section(s) of the Plan of Operation will be submitted to the NDDEQ for review.

11. Inspection by Owner/Operator

The owner or operator shall inspect the facility to ensure compliance with this article, a permit, and approved plans. The owner or operator shall keep an inspection log, including information such as the date of inspection, the name of the inspector, a notation of observations made, and the date and nature of any repairs or corrective action taken.

The operator for the Inert Waste Facility will conduct routine inspections at the facility using log forms to record inspection and monitoring duties. The completed forms will be available for inspection by the NDDEQ and other appropriate regulatory officials upon request.

A daily report form is completed that identifies the inspector, date, time, the above-listed criteria, results of the inspection and corrective action steps to be taken, if required. The form is signed, dated, and placed in the facility operating record. This form is included in Appendix C.

B. NDAC 33.1-20-04.1 Record Keeping and Reporting

1. Approval to Accept Waste

A solid waste management facility may not accept solid waste until the department has received and approved a report that includes narrative, drawings, and test results to certify that the facility has been constructed in accordance with the approved plans and specifications, as required by the permit.

The facility received a permit to construct and operate the inert waste landfill (Permit 0163) on August 20, 2015, from the NDDEQ. Issuance of the Permit, and subsequent acceptance of waste, was predicated on plans submitted by the facility in support of the permit application. This Plan of Operation and Closure is an update to the plans previously prepared and submitted for the facility.

2. Operating Record

An owner or operator shall keep an operating record consisting of a copy of each application, plan, report, notice, drawing, inspection log, test result, or other document required by this article, including those enumerated in the subdivisions of this subsection, or a permit. The operating record must include any deviations from this article, the permit, and facility plans where department approval is required. The owner or operator shall provide a copy of any document in the operating record upon receiving a request from the department. The operating record must be kept at the facility or at a location near the facility within North Dakota and approved by the department.

Dakota Bluffs, LLC will maintain an operating record at the facility in accordance with requirements of the NDDEQ.

The permit pre-application, Section 33.1-30-03.1-01

Dakota Bluffs, LLC is not subject to this condition according to Section 33.1-30-03.1-0 and the location standards of Subsection 2 of Section 33.1-20-04.1-01. Therefore, no permit pre-application is part of the operating record.

The permit application, Section 33.1-20-03.1-02

The operating record for Dakota Bluffs, LLC will contain a copy of the permit application as approved by the NDDEQ.

An amended permit pre-application, Section 33.1-20-03.1-03

The operating record for Dakota Bluffs, LLC will contain a copy of any amended permit applications, as stipulated by the NDDEQ.

The site characterization, Section 33.1-20-13-01

Dakota Bluffs, LLC operating record will contain a copy of the site characterization. Section 33.1-20-13-01 states: *The department shall require adequate site characterization to ensure that the waters of the state are not, or will not, be adversely impacted by the solid waste management facility. At a minimum, the site characterization must address the following:*

- a. Location and water quality of lakes, rivers, streams, springs, or wetlands within one mile (1.61 kilometers) of the site boundary, based on available data*

See Appendix E for Wetland Map.

- b. Domestic and livestock wells within one mile (1.61 kilometers) of the site boundary. Information collected should include the location, water quality, depth to water, well depth, screened interval, yields and the aquifers tapped*

See Appendix F for North Dakota Water Commission Reports of wells.

- c. Site location in relation to the one-hundred-year floodplain*

The facility does not lie near any location where one hundred-year floodplains have officially been established.

- d. Depth to, and thickness of, the uppermost aquifers*

See Appendix F for North Dakota Water Commission Reports of wells.

- e. Hydrologic properties of the uppermost aquifers beneath the proposed facility, including existing water quality, flow directions, flow rates, porosity, coefficient of storage, hydraulic conductivity, and potentiometric surface, or water table*

See Appendix F for North Dakota Water Commission Reports of wells.

- f. An evaluation of the potential for impacts to surface and ground water quality from the proposed facility*

Dakota Bluffs, LLC presents minimal potential for adverse impact to surface and/or groundwater quality. The general inert nature of the waste accepted would indicate that little potential for leachate generation from this waste stream exists.

Any site demonstrations, Section 33.1-20-04.1-01

Inert waste landfills are exempt from this requirement. Therefore, Dakota Bluffs, LLC has not had any site demonstration relating to requirements of Section 33.1-20-04.1-01.

Documentation of training, Section 33.1-20-04.1-02

Dakota Bluffs, LLC will maintain records of training, including names, dates, description of instruction methods, and copies of certificates awarded, in the facility operating record.

The Plan of Operation, Section 33.1-20-04.1-03

This document constitutes the Plan of Operation for the Inert Waste Facility.

Facility inspection logs, Section 33.1-20-04.1-03

Dakota Bluffs, LLC will maintain waste and facility inspection logs, as required by the NDDEQ.

Records of notice, Section 33.1-20-02.1-04

The operating record for Dakota Bluffs, LLC contains a notarized affidavit with the County Recorder of Deeds specifying that the facility is permitted to accept solid waste for disposal.

As-built drawings and certifications, Sections 33.1-20-04.1-04 and 33.1-20-04.1-05

The NDDEQ has permitted the facility, and necessary information relating to Section 33.1-20-04.1-04 is in the facility operating record. Section 33.1-20-04.1-05 stipulates closure requirements, and Dakota Bluffs, LLC will comply with these requirements when the facility is closed.

The groundwater monitoring plan, all monitoring data, and statistical interpretations, Section 33.1-20-13-02

Section 33.1-20-13-02 excludes inert waste facilities from this requirement; therefore, this facility does not maintain this information within the operating record.

Records of the weight, or volume, of waste, Section 33.1-20-04.1-09

The facility will maintain records of the weight or volume of waste received and report this information to the NDDEQ during annual reporting.

The closure plan, Sections 33.1-20-04.1-05 and 33.1-20-14-02

The Plan of Closure for Dakota Bluffs, LLC is part of this document.

The post-closure plan, Sections 33.1-20-04.1-09 and 33.1-20-14-02

Post-closure criteria for Dakota Bluffs, LLC is included in this plan. Construction and Operations Standard, paragraph 3 of this section, does not apply to inert waste landfills.

The financial assurance instruments for closure and post-closure, Chapter 33.1-20-14

These requirements do not apply to inert waste landfills.

Records of gas monitoring and remediation, Section 33.1-20-06.1-02

Dakota Bluffs, LLC does not accept municipal waste and therefore is not subject to this requirement.

The annual report, Section 33.1-20-04.1-04

The facility will file the annual report as required.

Notices of intent to close and completion of post-closure, Sections 33.1-20-04.1-05 and 33.1-20-04.1-09, respectively

The facility will provide written notice to the NDDEQ of its intent to close prior to initiation of closure. The facility is an inert waste facility, and as such, is exempt from 33.1-20-04.1-09, according to the rule.

The permit and any modifications, Sections 33.1-20-02.1-03 and 33.1-20-02.1-06

The facility will comply with NDDEQ permit and modification processes for inert waste facilities.

C. Annual Report

An owner or operator shall prepare and submit a copy of an annual report to the department by March 1st of each year. The annual report must cover facility activities during the previous calendar year and must include the following information:

- Name and address of the facility;
- Calendar period covered by the report;
- Annual quantity for each category of solid waste in tons or volume;
- Identification of occurrences and conditions that prevented compliance with the permit and this article; and
- Other items identified in the facility plans and permit

The facility shall prepare and submit an annual report to the NDDEQ by March 1st of each year. The annual report shall comply with the above-described criteria for the previous year.

5.0 PLAN OF CLOSURE

A. NDAC 33.1-20-04.1-05 and 33.1-20-14-02 Plan of Closure

General closure standards. The requirements of this Section apply to all solid waste management facilities, unless otherwise specified.

1. Closure Criteria

Each owner or operator shall close their facility in a manner that achieves the following:

Dakota Bluffs, LLC will be closed in accordance with NDDEQ criteria as permitted.

2. Maintenance Minimization

Minimizes the need for further maintenance.

Dakota Bluffs, LLC will be closed in a way to minimize further maintenance. Please refer to the Written Closure Plan – Section 5 below for the proposed steps for closure of the facility. Maintenance equipment will be available to perform final closure activities.

3. Waste Control Methods

Controls, minimizes, or eliminates any escape of solid waste constituents, leachate, fugitive emissions, contaminated runoff, or waste decomposition products.

The Plan of Closure addresses measures to minimize water encountering the waste and enhance precipitation runoff from the closed cell at the facility. The closure design shall minimize percolation of water through the waste. The waste will be covered to prevent contact with precipitation. By minimizing surface water encountering the waste, waste decomposition products are eliminated. The cover and cap material are of sufficient depth and consistency to eliminate the probability of any escape of solid waste constituents and/or fugitive emissions. Since this is an inert waste facility, biological decomposition is unlikely.

Portable litter screens/fences will be deployed at the working face of the landfill. The fence panels will be moved to the downwind side of the active area, as necessary. The fence panels will be butted together to prevent gaps between panels. Litter that collects on the fence panels will be removed and placed within the active waste disposal area.

4. Partial Closure Plan

Sequential partial closure must be implemented to minimize the working face of the landfill.

The facility will follow a partial closure procedure, which is found in the Plan of Operation (Section 3.A.1.g.). A conceptual closure cover design is found in the enclosed Figures. The areas

under partial closure will have a final cover placed, as required by 33.1-20-04.1-05 (discussed later in this Plan).

5. Closure Timing

Closure must be implemented within 30 days after receipt of the final volume of waste and must be completed within 108 days following the beginning of closure activities, unless otherwise specified and approved under Subsection 5. Prior to beginning closure, the owner or operator must notify the department in writing of the intent to close.

The facility will coordinate the future closure of the Inert Waste Facility with the NDDEQ. The facility will comply with the appropriate timing aspects during closure. Closure activities, in accordance with NDDEQ rules and regulations, will be implemented.

6. Closure Reporting

The owner or operator of a landfill for which closure is completed in part or whole shall enter into the operating record and submit to the department.

The facility will report the following:

7. As-built Drawings

As-built drawings showing the topography, pertinent design features, extent of waste, and other appropriate information.

The facility will retain a professional land surveyor to survey the designated cell site following the final closure. The surveyor will develop as-built drawings indicating topography, closure design features, extent of waste and other appropriate information.

8. Closure Certification

Certification by the owner or operator and a professional engineer that closure has been completed in accordance with the approved closure plan and this article.

The facility will prepare a certification report to document that the final closure of the facility has been completed in accordance with the approved closure plan and the aforementioned article. A professional engineer will certify that the closure has been completed in accordance with the approved closure plan.

9. Beneficial Uses

The department may allow, on a case-by-case basis, the use of closed inert waste landfill sites for certain beneficial uses that would not pose a threat to human health or the environment.

The facility has no specific plans for the future use of the closed waste management unit. The unit will likely be maintained as open space.

10. Written Closure Plan

Each owner or operator shall prepare and implement a written closure plan approved by the department as part of the permitting process. The closure plan must:

Estimate the largest area ever requiring final cover at any time during the active life of the site.

A facility site plan is included in the enclosed figures. The disposal footprint is approximately 87.5 acres. The largest area ever requiring final cover is estimated to be about twenty (29) acres.

Estimate the maximum inventory of solid waste onsite over the active life of the facility.

The estimated remaining airspace as of April 2021 of the current disposal area (the most recent topographic update) is approximately 28,900 cubic yards.

The estimated capacity of the new disposal area (this application) is approximately 6.5 million cubic yards (less intermediate and final cover volumes).

For landfills, describe the final cover and the methods to install the cover.

In accordance with NDAC 33.1-20-05.1-04, the final cover will consist of a four-foot-thick cover of clay-rich earthen material and compaction will not be required. At least six inches of suitable plan growth material will be placed over the covered landfill and planted with adaptive grasses.

Project time intervals at which sequential partial closure or closure is to be implemented.

The time intervals to implement partial closure will be dependent on incoming waste volumes, which may significantly vary from year to year. Subject to variations in the waste volume acceptance rate, a time interval of every three to five years would serve as an approximation for performing partial closures.

In accordance with NDAC 33.1-20-04.1-05, final closure will be implemented within 30 days after receipt of the final volume of waste and must be completed within 180 days following the beginning of closure activities, unless approved otherwise by the NDDEQ.

Describe the resources and equipment necessary for closure.

The source material for closure is found onsite. The suite has suitable soils for the compacted cap and cover materials.

The facility has the equipment necessary for operation and closure of Dakota Bluffs, LLC. The equipment is used for moving and spreading waste, applying and maintaining cover, compaction

of soil and waste, assisting in offloading haul vehicles and site landscaping. It is operated by facility personnel who have been properly trained in the operation of heavy equipment. Equipment is maintained in good operating condition.

Identify closure cost estimates and provide financial assurance mechanisms, as required by Chapter 33.1-20-14.

This does not apply to Dakota Bluffs, LLC according to NDAC 33.1-20-14-01.

B. NDAC 33.1-20-04.1 General Disposal Standards

1. Subsection 4. Closure Standards

Closure standards, excluding land treatment units.

The Closure Plan was prepared in accordance with NDAC 33.1-20-04.1-05, General Closure Standards

2. Future Use of Inert Waste Facility

Closed solid waste management units may not be used for cultivated crops, heavy grazing, buildings, or any other use that might disturb the protective vegetation and soil cover.

The facility does not intend to use the closed waste management unit for cultivated crops. No buildings will be constructed on the closed portions of the Inert Waste Facility.

3. Final Cover Design

All solid waste management units must be closed with a final cover design.

A final cover design has been prepared for Dakota Bluffs, LLC. The Final Cover Plan is presented on the enclosed Figures. The design is in compliance with the following:

Permeability

Have a permeability less than, or equal to, the permeability of any bottom liner or natural subsoils present.

The natural soils in the vicinity of the facility are highly variable consisting of sands, silts, and clay zones. Accordingly, the permeability of the soils will also vary, with permeability being greatest in areas of sand. The final cover for the facility includes a clay-rich layer of earthen material that will be placed over the entire disposal area. The clay-rich layer would provide permeability that is less than the permeability of subsoil sands.

NDAC 33.1-20-05.1-04 Closure Criteria

Requires the following:

Closure of an existing unit must be completed, as outlined in Sections 33.1-20-04.1-05 and 33.1-20-04.1-09. All existing units must be covered with two feet (61.0 centimeters) or more of earthen material, the lower 12 inches (30.5 centimeters) of which must be compacted clay-rich earthen material, free from cracks and extrusions of solid waste. If a cover of four feet (1.2 meters) or more of clay-rich earthen material is achieved, compaction is not required.

The closure plan was designed with a placement of at least four feet of clay-rich earthen material (uncompacted) with six inches of suitable plant growth material placed over the subsoil.

Run-on Minimization

Minimize precipitation run-on from adjacent areas.

The precipitation run-on controls described under Section 3.A.1.d. (4) of the Plan will continue to be in effect during the facility closure and post-closure periods.

Erosion and Drainage Concerns

Minimize erosion and optimize drainage of precipitation falling on the landfill. The grade of slopes may not be less than 3 percent or more than 15 percent, unless the permit applicant or permittee provides justification to show steeper slopes are stable and will not result in surface soil loss more than one-tenth of one percent per year for the first year and one-hundredth of one percent per year thereafter. In no instance may slopes exceed 25 percent.

Slopes on the expansion area final cover will not exceed 15 percent.

Surface Drainage System

Provide a safe drainage system that does not adversely affect drainage from adjacent lands.

Local drainage will not be affected by the location of the facility or final closure. Local drainage patterns will remain generally unchanged. The position of the facility does not hinder or adversely affect local drainage. The expansion is placed at the highest point of two drainageways, therefore existing drainage paths will be maintained.

The facility does not adversely affect drainage from adjacent lands. A United States Geological Survey (USGS) 7.5-minute quadrangle map that indicates topography of adjacent land was viewed to confirm this situation. A Site Location Map was prepared using this USGS 7.5-minute quadrangle map and is presented in Appendix B.

4. Final Cover

The final cover must include six inches (15.2 centimeters) or more of suitable plant growth material, which must be seeded with shallow rooted grass or native vegetation.

NDAC 33.1-20-05.1-04 Closure Criteria

Continues as follows:

At least six inches (15.2 centimeters) of suitable plant growth material must be placed over the covered landfill and planted with adapted grasses.

A final cover of at least six inches of suitable plant growth material will be placed over the earthen material barrier layer.

The final cover will be fertilized as necessary prior to seeding with a shallow rooting grass mixture. A mulch will be placed over the newly seeded suitable plant growth material to reduce erosion and encourage water retention, if warranted.

The soils necessary for the earthen material, or the clay-rich earthen material, and the suitable plant growth material are available from soils segregated onsite during operations.

The facility will follow the Department's recommended native grass mixture to plant at the facility after placement of suitable plant growth material. The mixture is summarized in the table below.

Native Grass Mixture

Species	Lbs. PLS*/Acre
Western Wheat Grass	6
Green Needle Grass	4
Slender Wheat Grass	4
Side-Oats Grama	2
Little Bluestem	1.5
Blue Grama	1.5
Total Seed (min.)	19

*PLS – Pure Live Seed (based on 50 PLS/sq. feet)

6.0 POST-CLOSURE CRITERIA

A. NDAC 33.1-20-05.1-05 Post-closure Criteria

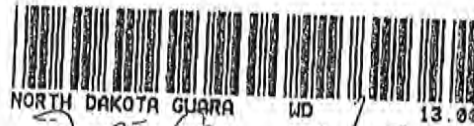
Owners or operators of inert waste landfills shall conduct annual post-closure inspections for a period of five years after closure.

The owner/operator will conduct annual post-closure inspections at Dakota Bluffs, LLC for a period of five years after closure. These inspections will be performed to assess the integrity of the final cover and status of the vegetation seeded to the suitable plant growth material.

The owner/operator will maintain the final cover should repairs become necessary. The owner/operator will also reseed areas of the facility to the chosen grass seeding mixture where the original seeding did not catch.

Appendix A

Property Deeds and Easement Documents
Local Zoning Documents



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Page: 1 of 2
03/11/2003 02:03P
Burleigh County

Taxes and special assessments paid and
TRANSFER accepted this 11 day of
March, 2003
Kevin J. Gadd
Burleigh County Auditor
By Janet A. Alderson
Deputy, Burleigh County Auditor



File No. B38140

ND GUARANTY & TITLE CO. **WARRANTY DEED**

THIS INDENTURE is made this 7th day of March, 2003, between **James L. Hoge and Janice A. Hoge**, husband and wife, grantor, whether one or more, and **D.B. Waste, LLC**, grantee, whose post office address is 311 South 7th Street, Bismarck, ND 58504.

WITNESSETH, For and in consideration of the sum of One Dollar and other good and valuable consideration, grantor does hereby **GRANT** to the grantee, all of the following real property in the County of **BURLEIGH**, State of North Dakota, described as follows:

23-140-81-00-12-400

South One-half of the South One-half of the Northwest one-quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Twelve (12), Township One Hundred Forty (140) North, Range Eighty-one (81) West of the Fifth Principal Meridian, Burleigh County, North Dakota.

Excepting and reserving to the Grantors an undivided Fifty Percent (50%) interest in and to all minerals including gravel, clay and scoria.

Subject to easements of record or which may exist in fact, mineral reservations and restrictive covenants, if any.

The grantee by presentation of this instrument for recording with the County Recorder certifies that the current sales price of the property described within this instrument is \$100,000.00.

X David H. Hoge



NORTH DAKOTA GUARA

CD

28.00

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Page: 1 of 7

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Burling County

CONTRACT FOR DEED

ND GUARANTY & TITLE CO. B338140

THIS AGREEMENT is made by and between James and Jan Hoge, hereinafter referred to as the "Sellers", whose post office address is 8636 Island Road, Bismarck, North Dakota 58503, and David Barth and D.B. WASTE, LLC, a North Dakota limited liability company, hereafter referred to as the "Buyers," whose post office address is 311 South 7th Street, Bismarck, North Dakota 58504.

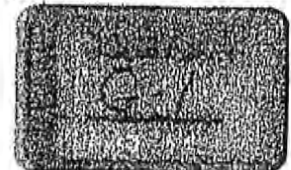
PROVISIONS

1. Legal Description: The Sellers agrees to sell and the Buyers agree to purchase the property described on Exhibit "A" attached hereto.

2. Price and Manner of Payment: The total purchase price of Three Hundred Eighty Thousand Dollars (\$380,000) is to be paid as follows:

(a) The amount and date of the down payment is One Hundred Thousand Dollars (\$100,000) paid on March 3, 2003.

(b) The remaining Two Hundred Eighty Thousand Dollars (\$280,000) shall be paid, with interest at six percent (6%) per annum, in equal monthly payments amortized over a period of ten (10) years from January 1, 2004, each payment in the amount of Three Thousand One Hundred Eight and 59/100 Dollars (\$3,108.59). The first such payment shall be due February 1, 2004. No interest shall accrue on the



balance of the purchase price until January 1, 2004.

3. Additional Payment Provisions: Buyers may not prepay this Contract for Deed without the written consent of the Sellers.

4. Possession of the Premises: The Buyers shall obtain possession of the S1/2 of the S1/2 of the NW1/4 of Section 12, Township 140, Range 81, on March 3, 2003. Possession of the remainder of the property shall not be delivered until January 1, 2004. Sellers shall be entitled to retain both possession of the remainder of the Hoge property, and any rents or income therefrom, for the year 2003.

5. Taxes, Assessments and Insurance:

(a) Buyers shall pay all taxes and annual installments of special assessments of the S1/2 of the S1/2 of the NW1/4 of Section 12, Township 140, Range 81, beginning with those taxes and annual installments of special assessments assessed for the year 2004, and due and payable in 2005, and all payments thereafter on such property so long as this contract shall be enforced. Buyers shall pay all taxes and annual installments of special assessments on the remainder of the property beginning with those taxes and annual installments of special assessments assessed for the year 2004 and due and payable in the year 2005. Sellers shall pay all taxes and the annual installments of special assessments for the property assessed for the year 2003, due and payable in the year

2004, for all the property except the S1/2 of the S1/2 of the NW1/4 of Section 12, Township 140, Range 81. Taxes and annual installments of special assessments for the year 2003, due and payable in 2004, for the S1/2 of the S1/2 of the NW1/4 of Section 12, Township 140, Range 81, shall be prorated to the date of closing.

(b) The buildings on said premises shall be kept insured for fire, wind and tornado, by a reliable company at the expense of the Buyers for an insured valuation equal to its fair market value, but in no event less the amount due on this Contract for Deed, with the loss clause thereof payable to Sellers to the extent of their interest at the time of loss. Should the Buyers fail to make payment of taxes, assessments or insurance, they may be paid by the Sellers and added to the amount of unpaid principal with interest accrued at the same rate specified in the contract.

6. Assignment of Interest: The Buyers will not assign their interest in the property without written consent of the Sellers, which consent shall not be unreasonably withheld.

7. Default: It is mutually understood and agreed that in case of the failure on the part of the Buyers to do or perform any and all of the covenants and agreements herein agreed to be performed, or in the event of the failure of the Buyers to perform all of the covenants and agreements contained in the Security Agreement dated January 1, 2003, between the Buyers and James Hoge

and related to a 1992 John Deere 624E Loader, or in the event of the failure on the part of the Buyers to do or perform any and all of the covenants and agreements contained in a separate Contract for Deed between Buyers and Dakota Landfill, Inc. related to property located within Section 12, Township 140, Range 81, which Contract for Deed is dated March 3, 2003, such failure shall entitle Sellers, at their option, to declare the entire indebtedness owing hereunder immediately due and payable and to cancel this Contract for Deed in accordance with the laws of the State of North Dakota. In the event of the cancellation of this Contract for Deed, all payments theretofore made hereunder by the Buyers or assignees, shall be kept and retained by said Sellers or assignees, for the use of said Buyers and assignees as and for its liquidated and agreed damages by reason of the cancellation of this Contract for Deed.

8. Additional Provisions:

(a) The Sellers have provided the Buyers sufficient evidence of marketable title.

(b) The Sellers shall provide upon full compliance with this Contract for Deed, a Warranty Deed, subject to (1) covenants or easement of record, (2) any special assessments not yet certified for collection, and (3) any encumbrances or liens created by or through the Buyers.



(c) It is mutually agreed, by and between the parties to this contract, with respect to the execution of agreements herein contained that time shall be of the essence and that the provisions and agreements of this contract shall remain with the land and bind the heirs, executors, administrators, and assignees of the respective parties to this contract.

In testimony whereof, the parties to this contract have placed their signature(s) this 13 day of Jan, 2003.

James Hoge
James Hoge

Jan Hoge
Jan Hoge

David Barth
David Barth, Personally

D.B. WASTE, LLC

By: David Barth
David Barth, Its Manager

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

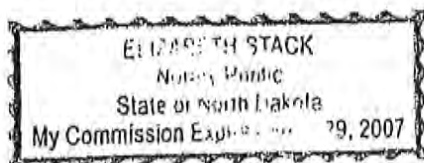
On the 13th day of January, 2003, before me a Notary Public within and for said County and State personally appeared James Hoge and Jan Hoge, known to me to be the persons who are described in and who executed the within and foregoing instrument and severally acknowledged that they executed the same.

ELIZABETH STACK
Notary Public
State of North Dakota
My Commission Expires Sept. 29, 2007

Elizabeth Stack
Notary Public
Burleigh County, North Dakota
My Commission Expires: 9-29-07

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

On the 13th day of January, 2003, before me a Notary Public within and for said County and State personally appeared David Barth, known to me to be the person who is described in and who executed the within and foregoing instrument and severally acknowledged that he executed the same.



Elizabeth Stack
Notary Public
Burleigh County, North Dakota
My Commission Expires: 9-29-07

P:\LKIRMIS\HOGUE\CONTRACT FOR DEED A REVISED.1.8.03.DOC

Excepting and reserving to the Grantors an undivided Fifty Percent (50%) interest in and to all minerals including gravel, clay and scoria.

DLB
3-7-03
Q1H
3-7-03 3-7-03

I hereby certify that the full consideration paid for this property is

\$ 380,000⁰⁰

Date 3/7/03

J. Schwan, agent

Taxes and special assessments paid and
TRANSFER accepted this 11 day of
March, 2003
Kevin F. Staff
Burleigh County Auditor
By Paul L. Alderson
Deputy, Burleigh County Auditor



LEGAL DESCRIPTION FOR HOGES' PROPERTY

EXHIBIT A

S1/2 of the S1/2 of the NW1/4 of Section 12, Township 140, Range 81

S1/2 of the NE1/4

N1/2 of the SE1/4

SE1/4 of the NW1/4

NE1/4 of the SW1/4 all in Section 11, Township 140, Range 81

N1/2 of the SW1/4 of the NW1/4

N1/2 of the SE1/4 of the NW1/4 of Section 12, Township 140, Range
81



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Page: 7 of 7

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Burleigh County

KOTA GUARA CD 20.00
Handwritten signature



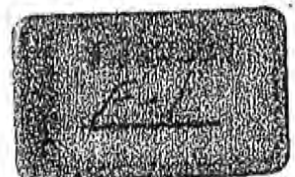
CONTRACT FOR DEED

B33140
ND GUARANTY & TITLE CO.

THIS AGREEMENT is made by and between Dakota Landfill, Inc., hereinafter referred to as the "Seller", whose post office address is 8636 Island Rd. Bismarck, North Dakota 58503, and David Barth and D.B. WASTE, LLC, a North Dakota limited liability company, hereafter referred to as the "Buyers," whose post office address is 311 South 7th Street, Bismarck, North Dakota 58504.

PROVISIONS

1. Legal Description: The Seller agrees to sell and the Buyers agree to purchase the property described on Exhibit "B" attached hereto.
2. Price and Manner of Payment: The total purchase price of Seventy Thousand Dollars (\$70,000) is to be paid as follows: In equal amortized monthly installments of principal, plus interest at the rate of seven percent (7%) per annum for a period of five (5) years in the amount of One Thousand Three Hundred Eighty-Six Dollars and 80/100 (\$1,386.80) per month with first payment due April 3, 2003.
3. Additional Payment Provisions: Buyers may not prepay this Contract for Deed without the written consent of the Seller.
4. Possession of the Premises: They will take possession of the premise March 3, 2003.
5. Taxes, Assessments and Insurance:
 - (a) Buyers are to pay all annual installments of special assessments for the year 2004 and thereafter. Taxes and annual



installments of specials assessments for the year 2003 shall be prorated to the date of closing.

(b) The buildings on said premises shall be kept insured for fire, wind and tornado, by a reliable company at the expense of the Buyers for an insured valuation equal to its fair market value, but in no event less the amount due on this Contract for Deed, with the loss clause thereof payable to Seller to the extent of its interest at the time of loss. Should the Buyers fail to make payment of taxes, assessments or insurance, they may be paid by the Seller and added to the amount of unpaid principal with interest accrued at the same rate specified in the contract.

6. Assignment of Interest: The Buyers will not assign their interest in the property without written consent of the Seller, which consent shall not be unreasonably withheld.

7. Default: It is mutually understood and agreed that in case of the failure on the part of the Buyers to do or perform any and all of the covenants and agreements herein agreed to be performed, or in the event of the failure of the Buyers to perform all of the covenants and agreements contained in the Security Agreement dated January 1, 2003, between the Buyers and James and Jan Hoge related to a 1992 John Deere 624E Loader, or in the event of the failure on the part of the Buyers to do or perform any and all of the covenants and agreements contained in a separate Contract for Deed between Buyers and James and Jan Hoge related to

property located within Section 12, Township 140, Range 81, which Contract for Deed is dated March 3, 2003, such failure shall entitle Seller, at its option, to declare the entire indebtedness owing hereunder immediately due and payable and to cancel this Contract for Deed in accordance with the laws of the State of North Dakota. In the event of the cancellation of this Contract for Deed, all payments theretofore made hereunder by the Buyers or assignees, shall be kept and retained by said Seller or assignees, for the use of said Buyers and assignees as and for its liquidated and agreed damages by reason of the cancellation of this Contract for Deed.

8. Additional Provisions:

(a) The Seller has provided the Buyers sufficient evidence of marketable title.

(b) The Seller shall provide upon full compliance with this Contract for Deed, a Warranty Deed subject to (1) any covenants or easements of record, (2) any special assessments not yet certified for collection, and (3) any encumbrances or liens created by or through the Buyers.

(c) It is mutually agreed, by and between the parties to this contract, with respect to the execution of agreements herein contained that time shall be of the essence and that the provisions and agreements of this contract shall remain with the land and bind

(b) The Seller shall provide upon full compliance with this Contract for Deed, a Warranty Deed subject to (1) any covenants or easements of record, (2) any special assessments not yet certified for collection, and (3) any encumbrances or liens created by or through the Buyers.

(c) It is mutually agreed, by and between the parties to this contract, with respect to the execution of agreements herein contained that time shall be of the essence and that the provisions and agreements of this contract shall remain with the land and bind the heirs, executors, administrators, and assignees of the respective parties to this contract.

In testimony whereof, the parties to this contract have placed their signature(s) this 13 day of JAN, 2003.

DAKOTA LANDFILL, INC.

By: James Hoge
Its: pres

Taxes and special assessments paid and
TRANSFER accepted this 11 day of

March 2003
Devin Platt
Burleigh County Auditor

By: Janet L. Alderson
Deputy, Burleigh County Auditor

David Barth
David Barth, Personally

D.B. WASTE, LLC

By: David Barth
David Barth, Its Manager

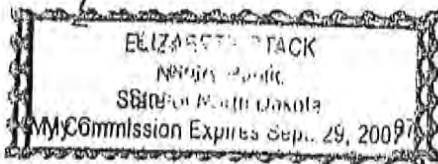
I hereby certify that the full consideration paid for this property is

\$ 70,000.00

Date 3-7-03 J. Schwan, agent

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

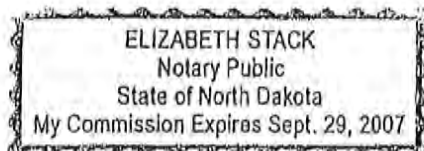
On the 13th day of JANUARY, 2003, before me a Notary Public within and for said County and State personally appeared James Hoge, known to me to be the person who is described in and who executed the within and foregoing instrument and severally acknowledged that they executed the same.



Elizabeth Stack
Notary Public
Burleigh County, North Dakota
My Commission Expires: 9-29-07

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

On the 13th day of JANUARY, 2003, before me a Notary Public within and for said County and State personally appeared David Barth, known to me to be the person who is described in and who executed the within and foregoing instrument and severally acknowledged that he executed the same.



Elizabeth Stack
Notary Public
Burleigh County, North Dakota
My Commission Expires: 9-29-07

P:\LKIRMIS\HOGE\CONTRACT FOR DEED B REVISED.1.8.03.DOC

Excepting and reserving to the Grantors an undivided Fifty Percent (50%) interest in and to all minerals including gravel, clay and scoria.

3-7-03

DKB

3-7-03

J.H.

3-7-03

J.H.

LEGAL DESCRIPTION FOR DAKOTA PROPERTY

EXHIBIT B

N1/2 of the SW1/4 of Section 12, Township 140, Range 81

23-140-81-00-12-408



DTA GUARA

CD

23.00

591172

Page: 3 of 6

03/12/2003 12:31P

Burleigh County

Handwritten signature

29079

461810

RIGHT-OF-WAY EASEMENT

WHEREAS, James L. Hoge and Janice A. Hoge, husband and wife, whose post office address is 8567 Island Road, Bismarck, North Dakota, 58501-9202, (hereinafter referred to as "Grantors") own as joint tenants, with right of survivorship, the following described real property situated in Township 140 North, Range 81 West, in Burleigh County, North Dakota:

TRACT NO. 1: S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 12;
and

TRACT NO. 2: NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ and N $\frac{1}{2}$ S $\frac{1}{2}$ of Section 11.

WHEREAS, the Grantors' desire to convey a right-of-way easement across Tract No. 1 for the purpose of providing ingress and egress to Tract No. 2 from the existing county road which is situated along the east boundary line of Tract No. 1

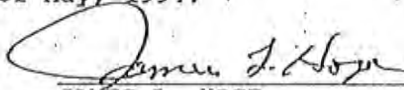
NOW, THEREFORE, Grantors for valuable consideration received and the mutual agreements and covenants contained herein, convey unto themselves, and all successors in interest to Tract No. 2 a right-of-way easement across Tract No. 1, more fully described hereinafter, to be used by them and their successors for the purpose of providing ingress and egress to Tract No. 2.

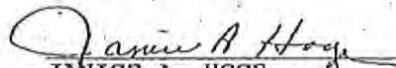
This easement consists of an 80-foot wide tract of land located 40 feet on each side of the east-west quarter boundary line which runs between the NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 12, running the total distance of said boundary line of approximately 2,640 feet. Said easement contains approximately 211,200 square feet, more or less.

The owners of Tract No. 2 shall have the right to build or maintain any structure on said area or to change the grade in and around the easement as may be necessary to accommodate vehicular traffic across the easement.

This easement shall continue for a term of 99 years and the agreements herein contained shall run with the land and be appurtenant thereto, and shall inure to the benefit of, and be binding upon, the parties hereto and their respective heirs, successors and assigns, including, but without limitation, all subsequent owners of Tract Nos. 1 and 2.

Dated this 13 day of May, 1994.


JAMES L. HOGE


JANICE A. HOGE

STATE OF NORTH DAKOTA)
) ss.
COUNTY OF BURLEIGH)

On this 13 day of May, 1994, before me personally appeared JAMES L. HOGE and JANICE A. HOGE, known to me to be the persons who are described in, and who executed the foregoing instrument, and severally acknowledged that they executed the same.



Bradley D. Leggett
Notary Public
My commission expires:

BRADLEY D. LEGGETT
Notary Public, STATE OF NORTH DAKOTA
My Commission Expires MAY 26, 1994

STATE OF NORTH DAKOTA)
COUNTY OF BURLEIGH,) ss.

I hereby certify that the within instrument was filed in this office for record on the 16 day of MAY 1994 A.D.
19 at 11:10 o'clock A. M. and was duly recorded. 461810

Chapin Olson

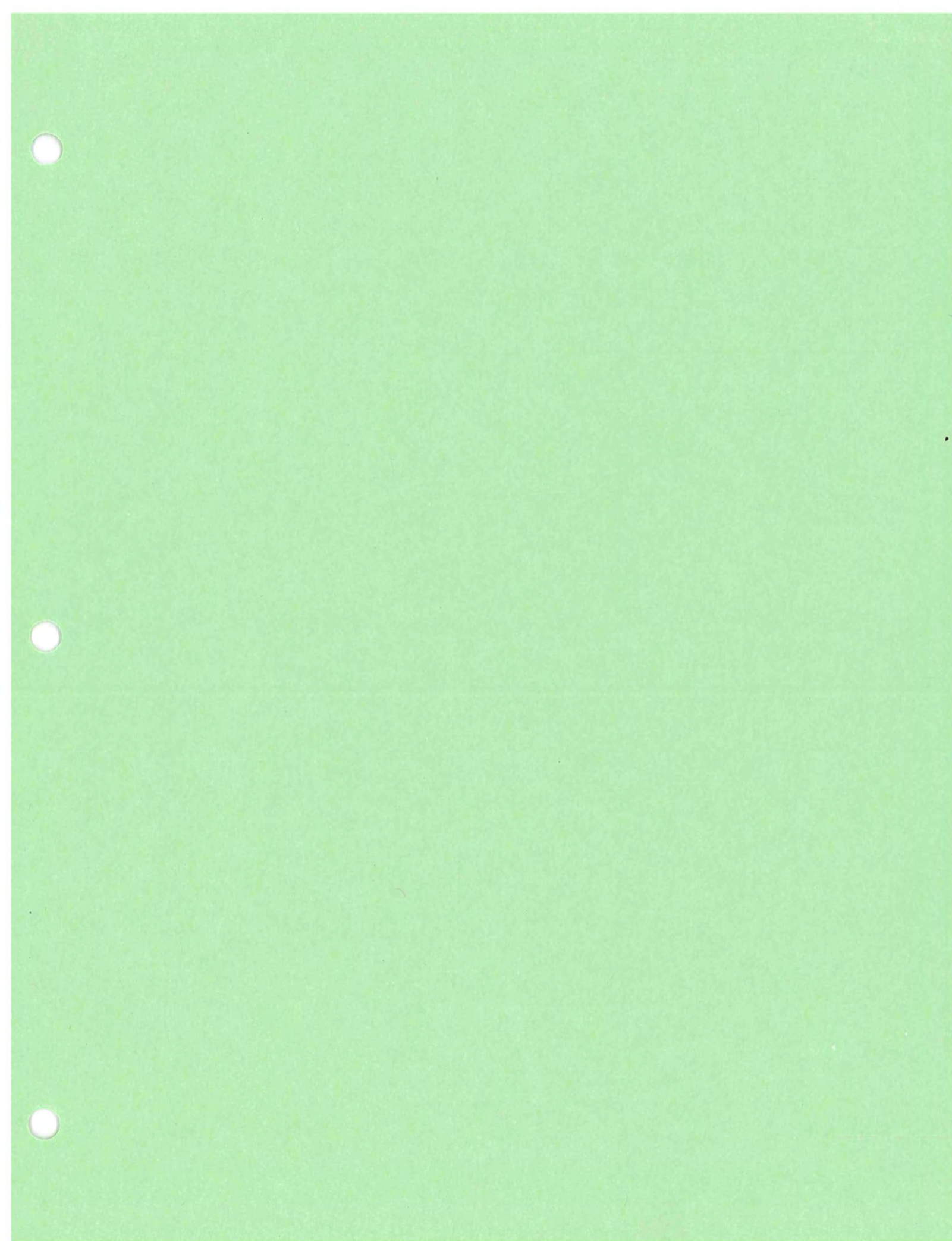
REGISTER OF DEEDS

E. J. Borth
Deputy



\$10.00
NORTH DAKOTA GUARANTY
& TITLE COMPANY
400 E. BROADWAY, SUITE #409
BISMARCK, ND 58501 (701) 223-8836

BC/1st



ORDINANCE 83-01

AN ORDINANCE TO AMEND AND RE-ENACT ARTICLE 9 OF THE 1972 AMENDED ZONING ORDINANCE OF BURLEIGH COUNTY, NORTH DAKOTA.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BURLEIGH COUNTY, NORTH DAKOTA:

Section 1. Special Use Permit Approved. The following special use permit was approved on 5 January 1983:

To Larry and James Hoge to operate a sanitary landfill on 700 acres described as $S\frac{1}{2}$ of $S\frac{1}{2}$ of $NE\frac{1}{4}$, $S\frac{1}{2}$ of $SE\frac{1}{4}$ of $NW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$, $N\frac{1}{2}$ of $SE\frac{1}{4}$, and $SE\frac{1}{4}$ of $SE\frac{1}{4}$, all in Section 11; and $S\frac{1}{2}$ of $S\frac{1}{2}$ of $NW\frac{1}{4}$ and $SW\frac{1}{4}$ of Section 12; and $NE\frac{1}{4}$ and $N\frac{1}{2}$ of $NW\frac{1}{4}$ of Section 13; and $NE\frac{1}{4}$ of $NE\frac{1}{4}$ of Section 14; all the preceeding in Riverview Township (140N-81W) for a period of 50 years.

Section 2. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. Taking Effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

Final Passage and Adoption: 5 January 1983

/jms

Appendix B

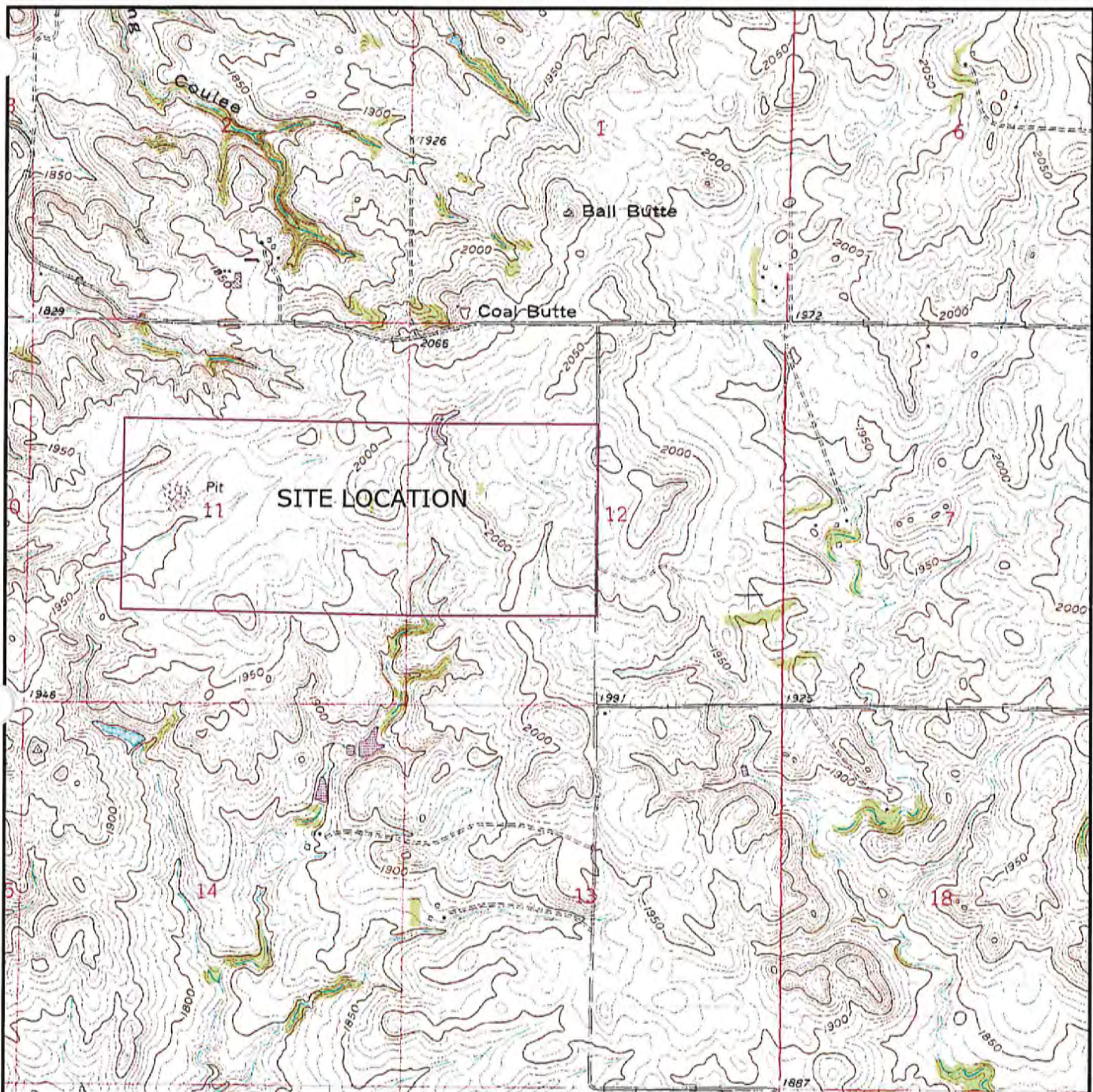
General Site Information

Figure 1 – USGS Topo Map

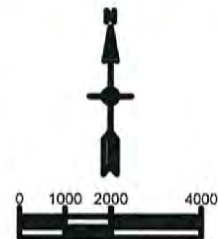
Figure 2 – Land Ownership Map

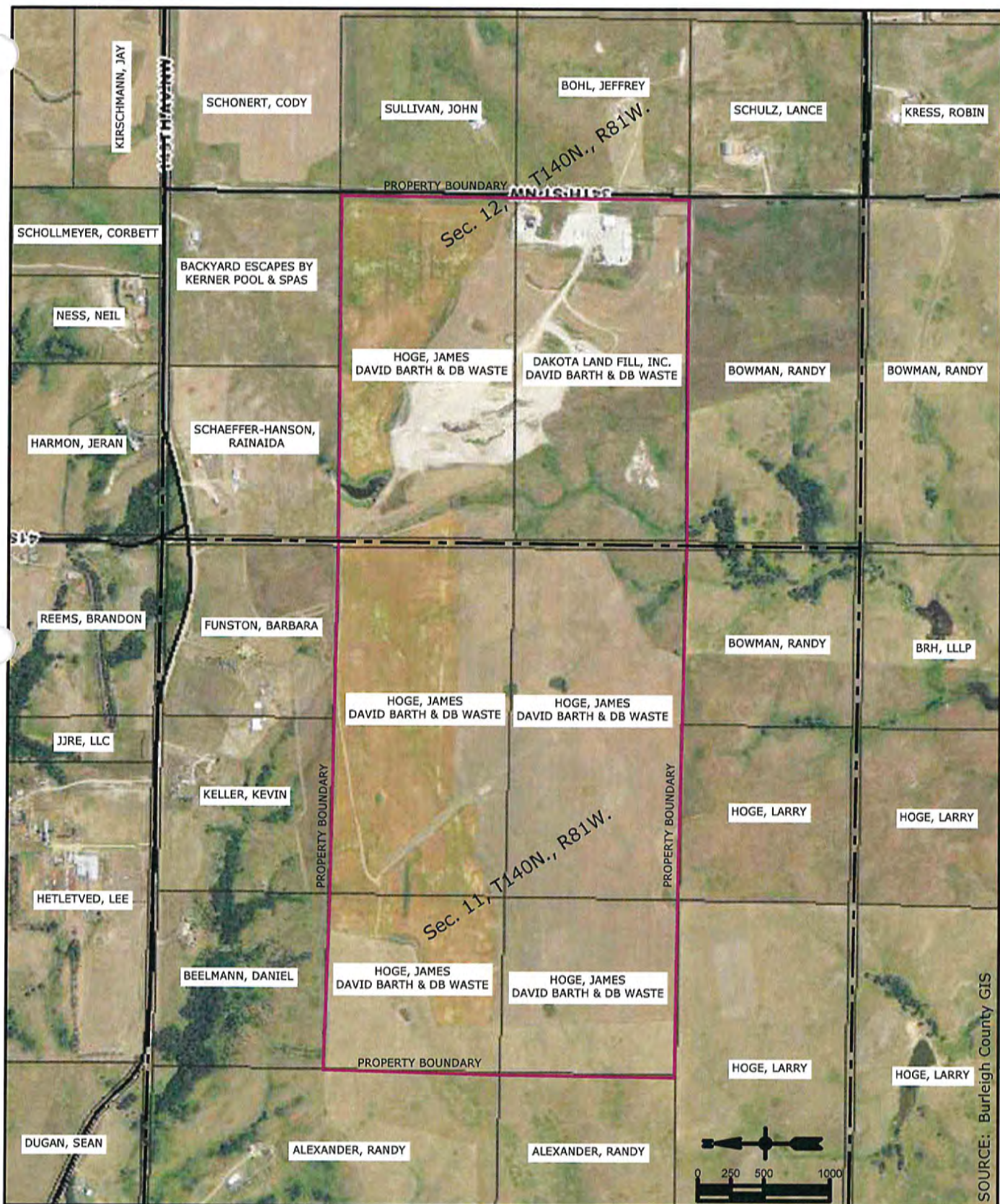
Figure 3 – County Road Map

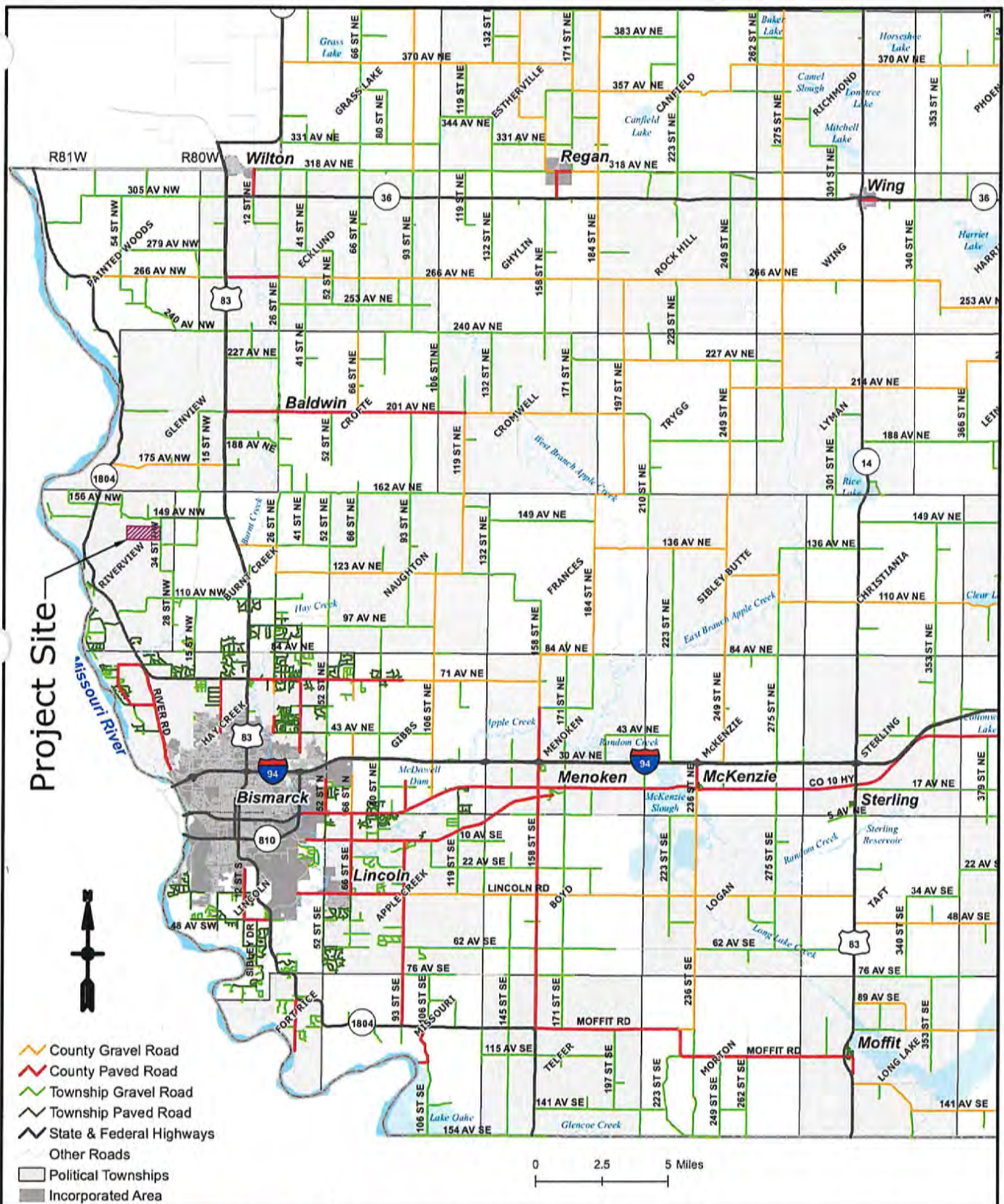
Figure 4 – Aerial Photo

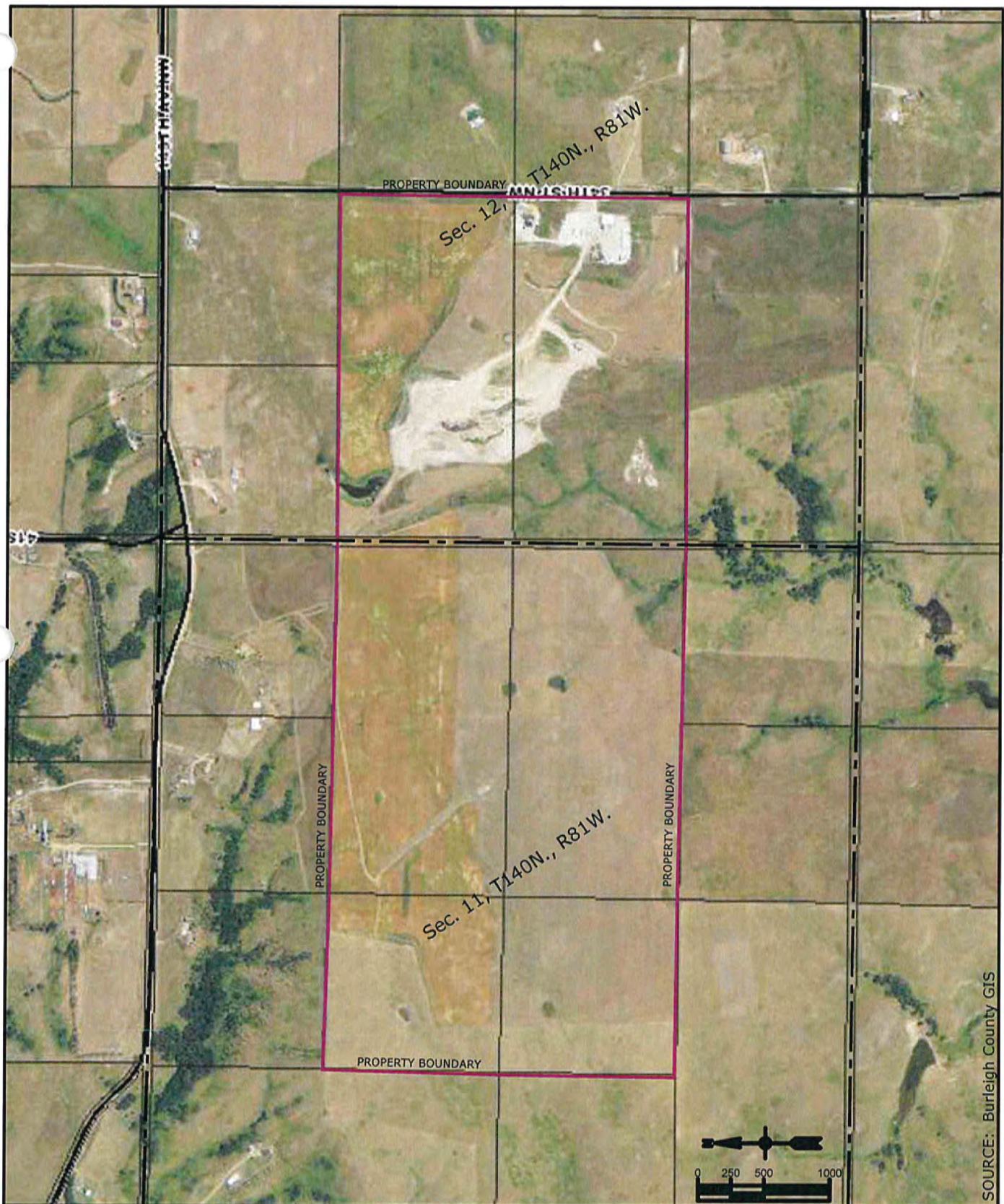


SOURCE: USGS Burnt Butte 7.5 MIN. QUADRANGLE









Appendix C

*Dakota Bluffs Landfill Log of Operations
Random Load Inspection Form
Guidelines for Accepted/Rejected Waste*

Dakota Bluffs, LLC Log of Operations

Today's Date:

Facility Opened today (time):

List Weather Conditions on this day:

List of Equipment in Operation Today:

Describe Landfill Operation(s) today. Attach load inspection form and pictures (page 2):

The Facility Operator shall inspect the facility daily for compliance with the applicable regulations including but not limited to the following.

Place an (X) on the line next to all aspects of facility operations which have been inspected today

Operation of Facility

<input type="checkbox"/> Maintain access roads	<input type="checkbox"/> Compacting bulky items
<input type="checkbox"/> Limited access to facility	<input type="checkbox"/> Minimizing dust generation
<input type="checkbox"/> Signs posted	<input type="checkbox"/> Load inspection(s)
<input type="checkbox"/> Adequate Fire Equipment	<input type="checkbox"/> Control of scattered litter
<input type="checkbox"/> Operable and adequate equipment	<input type="checkbox"/> Keeping of Daily Log
<input type="checkbox"/> Trained Employees	<input type="checkbox"/> Daily Cover
<input type="checkbox"/> Preparation for inclement weather	<input type="checkbox"/> Surface Water Diversion
<input type="checkbox"/> Confined Unloading	<input type="checkbox"/> Correct ponding/erosion
<input type="checkbox"/> Separation/control of flammable waste	

Waste Received (tons)

☐ Yard Waste

☐ Tire shred/scrap tires

☐ Lime Sludge

☐ Construction Debris

☐ Other (_____)

Corrective Actions Taken and Other Comments:

Signature of Person Completing Form

Print Name of Person Completing Form

Retain this form in file for three years for inspection by the NDDEQ or an authorized representative.

Attach Random Load Inspection Form and/or Picture(s)

RANDOM LOAD INSPECTION FORM
Dakota Bluffs, LLC

Date: _____	Time: _____	Volume: _____
Waste Contents: _____ _____		
Restricted Waste Encountered: _____ _____		
Mitigation Actions: _____		
Rejection of Restricted Waste: _____		
Signed: _____		Dated: _____

Date: _____	Time: _____	Volume: _____
Waste Contents: _____ _____		
Restricted Waste Encountered: _____ _____		
Mitigation Actions: _____		
Rejection of Restricted Waste: _____		
Signed: _____		Dated: _____

Date: _____	Time: _____	Volume: _____
Waste Contents: _____ _____		
Restricted Waste Encountered: _____ _____		
Mitigation Actions: _____		
Rejection of Restricted Waste: _____		
Signed: _____		Dated: _____

Guidelines for Accepted/Rejected Waste

Dakota Bluffs, LLC

*According to State regulations, certain types of waste cannot be accepted for disposal at the inert waste facility. The following list describes those restrictions.

Acceptable Waste	Unacceptable Waste
<ul style="list-style-type: none"> • Inert Waste: Examples are metal products, wood products, brick products, masonry products, cement, cured concrete, asphalt, tires, tree branches, bottom ash from coal-fired boilers. (This does not include special waste, industrial waste or any of the restricted materials) • Waste coal fines from air pollution equipment. • Fiberglass, urethane, polyurethane and epoxy resin waste when mixed with construction debris. • Metal waste that does not contain oils, solvents, PCBs or other similar materials. • Grass and leaves (accepted and set aside for composting). • Trees (accepted and landfilled). • Tires (accepted and set aside for shredding to use as a cover material or landfilling). <p><i>These materials are accepted only if delivered to the Inert Waste Facility and refrigerant has been removed.</i></p>	<ul style="list-style-type: none"> • Asbestos, garbage, putrescible or house hold or municipal waste. • Hazardous waste including ignitables (solvents, paints & fuel), corrosives (Acids & alkalies), reactives, toxicity characteristics and listed wastes. • Industrial waste, if not addressed in the industrial waste management plan and the permit. • Lead acid batteries. • Liquids. • Bulk chemical containers (Exception-triple rinsed & punctured pesticides will be accepted). • Polychlorinated biphenyls (PCB) waste/oil including transformers from fluorescent lights. • Raw or digested sewage sludge, lime sludge, grit chamber cleanings, animal manure, septic tank pumpings, bar screenings and other sludge. • Regulated infectious waste, except in household amounts. • Special waste • Used oil (none-including household amounts) • Radioactive waste • Rendering and slaughterhouse waste • Foundry ash • Spent activated carbon filters • Paint waste • Fiberglass, urethane, polyurethane or epoxy resin waste • Oil & gas exploration and production waste • Contaminated soil waste • Soluable wastes (fly ash, salt, etc) • Animal carcasses • Waste grain, seed and elevator screenings <p><i>The North Dakota Department of Health has established the above list of restricted wastes. The Inert Waste Facility does not accept these wastes for landfilling. This list may be subject to changes as rules are revised or as wastes are approved or disapproved by the Department.</i></p>

Appendix D

Site Safety Plan

Dakota Bluffs, LLC
Site Safety Plan

**Site Safety Plan
Dakota Bluffs, LLC
Bismarck, ND**

A. Site Description: An Inert Waste Facility operated and owned by Dakota Bluffs, LLC.

Site Location: The facility is situated on a parcel of property comprising about 297 acres. The facility is located in portions of Sec. 11 & 12, T. 140N, R. 81W. of Burleigh County.

Surrounding Population: The Dakota Bluffs, LLC Inert Waste Facility is located approximately 8 miles north of the City of Bismarck, North Dakota and 2 ½ miles west of United States Highway 83. The remaining population is rural.

Additional Information: The site has operated as an inert waste facility since being permitted by the North Dakota State Department of Health. Contents of the facility are inert waste.

B. Entry Objectives:

The objective of entering the Inert Waste Facility is to handle inert waste under the terms of permit conditions.

Actions: Inert waste is off loaded from the haul vehicles and placed in the landfill facility. A daily cover of tire shred and/or dirt is placed over the inert waste at least daily. The waste may be covered more frequently, depending upon the quantity and type of inert waste accepted.

Tasks. The following tasks are anticipated at the facility:

- Handling inert waste.
- Operating heavy equipment for covering and compacting waste.
- Operating the equipment for placing final cover.
- Seeding with suitable plant species.
- Maintenance of site equipment and structures.
- Maintenance of disposal and operating records.
- Monitoring the facility for necessary corrective actions.
- Post-Closure monitoring.

C. On-Site Organization & Coordination:

Dakota Bluffs, LLC

Mitch Kaelberer

Owner

701-220-2020

Shaun Haux

Operations Manger

701-301-9182

George Schick

Site Operator

701-226-1611

Federal Agency Representative

United States Environmental Protection Agency

Solid Waste Section, Region VIII

999 18th Street, Suite 500

Denver, CO 80202-2466

(303) 293-1660

State Agency Representative

ND Department of Environmental Quality

Division of Waste Management

4201 Normandy Street

Bismarck, ND 58503-1324

701-328-5150

North Dakota State Department of Emergency Management

Bismarck, ND 58501

(800) 773-3259

Local Fire Response

City of Bismarck Rural Fire Department

Fire Chief

Bismarck, ND 58501

#911

Hospitals:

Sanford

300 North 7th Street

Bismarck, ND 58501

(701) 323-6000

CHI St. Alexius
900 East Broadway
Bismarck, ND 58501
(701) 530-7001

Ambulance Service

Metro Area Ambulance Service, Inc.
P.O. Box 595
Mandan, ND 58554
911 or (701) 223-1310

Emergency Contractor

Northern Improvement Company
3320 E. Century Avenue
Bismarck, ND
(701) 223-6695

D. On-Site Control

In the case of an emergency, the Site Leader or Safety Officer will coordinate access control and security at the Inert Waste Facility. No unauthorized personnel will be allowed access beyond the facility entrance.

The immediate Exclusion Zone, during any emergency, will be the facility fence line. The fence line is periodically surveyed for damage or signs of illegal intrusion. The necessary zones for facility corrective actions will be determined on a case-by-case basis with the aforementioned Exclusion Zone preset.

E. Hazard Evaluation

The following general waste is known to be on-site Inert Waste

Although unlikely for an inert waste facility, the occurrence of specific chemicals, including concentrations, is unknown. Therefore, any hazards represented by any unknown chemical cannot be determined.

Additional hazards that may be encountered would be physical in nature, including:

- Fire or explosion
- Uneven ground surface
- Occasional slippery surfaces
- Moving equipment
- Open excavations
- Heat/cold stress and exposure

F. Personal Protective Equipment

First-aid equipment and fire extinguishers shall be available and supplied by Dakota Bluffs LLC. All facility vehicles are equipped with fire extinguishers. Personal protective equipment may be necessary in the case of an emergency. If a situation occurs which requires hazardous material response training above Level D personal protective equipment, emergency response personnel with the required training and certifications will be called.

G. On-Site Work Plans

Activities requiring response to the Inert Waste Facility are listed below. AU activities will be coordinated by the Safety Office or Site Leader.

Fire: Northern Improvement may be contacted to assist in dirt hauling to smother controlled fires. The City of Bismarck Rural Fire Department will be contacted in the event of explosions. In the event of such an occurrence, the North Dakota State Department of Emergency Management will be consulted regarding corrective actions.

Leak:

Dakota Bluffs LLC will direct leak suppression, containment and cleanup activities.

Groundwater Contamination: In the event of identified groundwater contamination, the North Dakota Department of Environmental Quality will be contacted in accordance with state regulations. Response will be directed on a case-by-case basis.

Blowing dust/debris: The facility will coordinate the mitigation of these conditions. Water will be put down on areas experiencing soil erosion by wind. Temporary soil and/or tire shred cover will be placed at more frequent intervals, as necessary, to control movement of waste by high winds. Wind fences will be moved according to the prevailing wind.

All personnel performing potentially hazardous work at the facility will be provided a copy of this plan to review on an annual basis and sign.

H. Communication Procedures:

Telephone will be the primary communication tool for the facility. Telephone numbers of the appropriate persons, or agencies, are in Sections C and J of this plan. The primary and secondary facility contacts are including in Section C. Other company personnel may also be contacted to communicate and advise on emergencies and response activities.

Three loud horn blasts will be the warning signal to evacuate the Inert Waste Facility. The following standard hand signals will be used in case of failure, or inability, of other communication methods on site:

<u>SIGNAL</u>	<u>MEANING</u>
Hand gripping throat	Out of air -cannot breathe
Grip partner's wrist	Leave area immediately
Hands on top of head	Need assistance
Thumbs up	Ok, I am all right, I understand
Thumbs down	No, negative

In the event of an emergency call the Site Safety Officer at home/work # (701)226-1611 or # (701) 527-0096 as soon as possible.

I. Decontamination Procedures

In the event of a serious contaminating emergency involving hazardous substances, facility personnel are to evacuate the site, remove their work clothing and shower using a mild soap for at least 15 minutes. Contaminated clothing should be washed before re-use. If the clothing is grossly contaminated, it will be discarded in a safe manner, such as double bagging in plastic heavy duty trash bags. Hands and any other body parts that come in contact with contaminated clothes should be thoroughly washed. In the event of a serious contaminating emergencies involving hazardous substances, the North Dakota Department of Health and Department of Emergency Management will be consulted regarding corrective actions.

J. Site Safety and Health Plan

- 1.) The Site Safety Officer is directly responsible to the Site Leader for safety recommendations on-site.
- 2.) The CHI St. Alexius Medical Center at 900 East Broadway # (701) 530-7001 or Sanford at 300 North 7th Street, Bismarck, ND # (701) 323-6000 will be contacted in the event of a medical emergency. The condition of the emergency is to be communicated to the emergency staff that will respond to the victim(s). Environmental conditions may play a role and handling of the victim(s) will affect emergency care. Local ambulance service is from the Metro Area Ambulance at # (701) 223-1310.

Below are the emergency contact telephone numbers for the facility. The emergency response agencies to be notified shall be based on the nature of the emergency, as described in this plan.

Sheriff (Burleigh County Sheriff's Dept.)	911 or 222-6727
Fire (Burleigh County Rural Fire Dept.)	911 or 258-5792
Sanford	323-6000
CHI St. Alexius Emergency and Trauma	530-7001

Metro Area Ambulance	911 or 663-6969
ND Department of Environmental Quality	328-2372
ND State Dept of Emergency Mgmt	800-773-3259
Northern Improvement	223-6695

Dakota Bluffs Emergency Contact List

David Barth	(701) 319-0777
Lee Fergel	(701) 527-0096
George Schick	(701) 226-1611

3.) Emergency Procedures

Personal Injury: Upon notification of an injury at the facility, the Site Leader and/or the Site Safety Officer will assess the nature of the injury. First aid will be provided with the equipment available from the facility. If the injury is such that more intense care is required the Ambulance Service and Medcenter One/CHI St. Alexius Medical Center will be notified of the medical concern or emergency. Depending on the severity of the injury, the person injured may be transported to the hospital in an ambulance requested from the local ambulance service.

If the injury increases the risk to others, the designated emergency signal of three (3) loud horn blasts shall be sounded and all facility personnel shall move upwind of the facility to await further instructions. Activities on-site will cease until the added risk is removed or minimized.

Fire/Explosion: Upon notification of a fire or explosion onsite, the designated emergency signal of three (3) loud horn blasts shall be sounded and all facility personnel are to assemble upwind. The Burleigh County Rural Fire Department shall be alerted and all personnel shall leave the facility until the situation is evaluated and appropriate actions taken.

Emergency Escape: In the event of an emergency, facility personnel or other site personnel will leave the facility by vehicle (preferred alternative) or by foot (secondary alternative) by the shortest available route. The assembly of personnel at the gate is recommended to account for all personnel on-site. However, all evacuating personnel should move in and upwind direction until off the facility, or to a safe location.

In all situations, when an on-site emergency results in evacuation of the Inert Waste Facility, personnel shall not re-enter until:

- 1.) The conditions resulting in the emergency have been corrected.
- 2.) The hazards have been reassessed.
- 3.) The Site Safety Plan has been reviewed.
- 4.) Site personnel have been briefed on any changes in the Site Safety Plan.

Site Safety Plan
Dakota Bluffs, LLC
Bismarck, ND

ALL SITE AND FACILITY PERSONNEL HAVE READ THE ABOVE PLAN AND ARE FAMILIAR WITH ITS PROVISIONS

NAME	SIGNATURE/DATE
Leader:_____	_____
Site Safety Officer:_____	_____
Other Personnel:_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

This plan should be reviewed by all facility personnel at least annually.

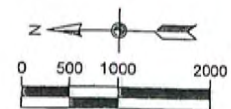
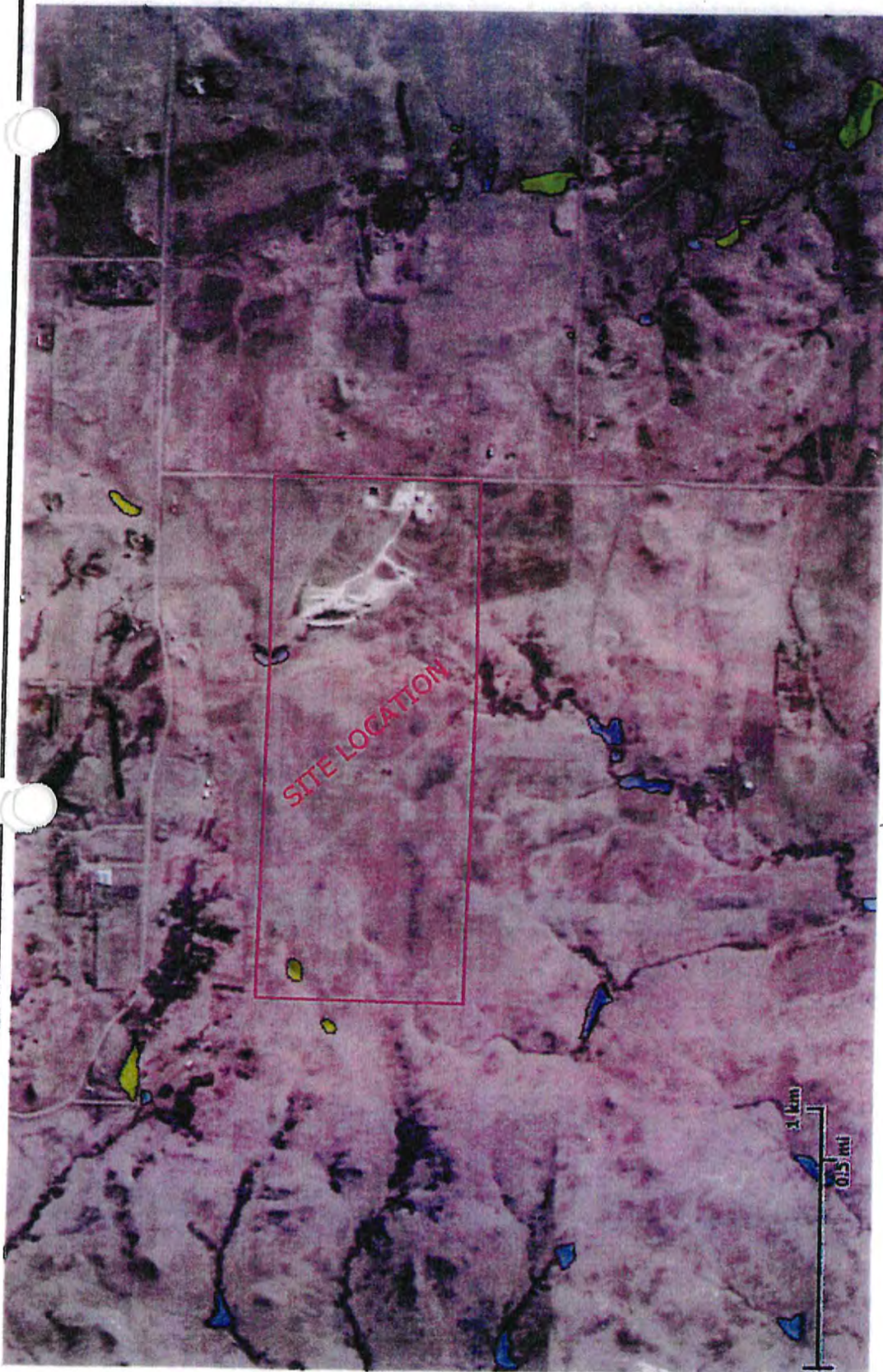
Appendix E

Wetland Map

LEGEND

Wetlands

- Freshwater Emergent
- Freshwater Forested/Shrub
- Estuarine and Marine Deepwater
- Estuarine and Marine
- Freshwater Pond
- Lake
- Riverine
- Other



SOURCE: National Wetlands Mapper

Appendix F

Well Information

140-081-12 BDC

Data Source	ND State Water Commission	Well Index	15511
County	Burleigh	Date Drilled	04/30/1993
Aquifer	Undefined	Purpose	Observation Well
Basin	Missouri River	Casing Type	PVC
MP Elevation (ft)	2,043.16	Diameter (in.)	2.0
Surface Elev. (ft)	2,041.11	Screened Interval (ft)	130 - 140
Elevation Source (Datum)	(NVGD29)	Coord (Long,Lat)	-100.84579, 46.96222
Total Depth (ft)	140.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 2	TOPSOIL	NO DESCRIPTION
2 - 8	TILL	CLAY, SILT, PEBBLES, DARK YELLOWISH BROWN, 10YR4/2.
8 - 12	GRAVEL	NO DESCRIPTION
12 - 14	SILT	SANDY, MODERATE YELLOWISH-BROWN, (BEDROCK).
14 - 17	CLAY	STIFF, PALE YELLOWISH-BROWN, 10YR6/2.
17 - 24	CLAY	SILTY, PALE YELLOWISH-BROWN, 10YR6/2.
24 - 28	CLAY	STIFF, DARK YELLOWISH-ORANGE, 10YR6/6.
28 - 34	CLAY	STIFF, GRAYISH-BROWN, 5YR3/2.
34 - 36	CLAY	STIFF, MEDIUM GRAY, N5.
36 - 38	CLAY	STIFF, GRAYISH-BROWN, 5YR3/2.
38 - 45	CLAY	STIFF, LIGHT OLIVE GRAY, 5Y6/1.
45 - 51	CLAY	TRACE FINE SAND, DARK YELLOWISH-ORANGE TO MEDIUM GRAY.
51 - 58	SAND	CLAYEY, FINE GRAINED, LIGHT OLIVE GRAY, 5Y6/1.
58 - 62	CLAY	STIFF, MEDIUM GRAY, N5.
62 - 71	SAND	CLAYEY, FINE GRAINED, LIGHT OLIVE GRAY, 5Y6/1.
71 - 82	SAND	SILTY, FINE GRAINED, LIGHT OLIVE GRAY, 5Y6/1.
82 - 84	CLAY	SILTY, MEDIUM LIGHT GRAY, N6.
84 - 91	CLAY	SANDY, MEDIUM LIGHT GRAY, N6.
91 - 100	SAND	SILTY, WITH INTERBEDDED CLAY, MODERATE YELLOWISH-BROWN, THIN LIGNITE BED AT 96'.
100 - 110	SAND	SILTY, FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
110 - 130	SAND	SILTY, FINE GRAINED, DUSKY YELLOW, 5Y6/4.
130 - 140	SAND	FINE GRAINED, DARK GRAY, N3.



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140-081-12 BDD

Data Source	ND State Water Commission	Well Index	15510
County	Burleigh	Date Drilled	04/28/1993
Aquifer	No Obs Well Installed	Purpose	Test Hole
Basin	Missouri River	Casing Type	None
MP Elevation (ft)	0.00	Diameter (in.)	0.0
Surface Elev. (ft)	2,037.65	Screened Interval (ft)	0 - 0
Elevation Source (Datum)	Survey 0.01 ft (NVD29)	Coord (Long,Lat)	-100.84320, 46.96222
Total Depth (ft)	160.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 1	TOPSOIL	NO DESCRIPTION
1 - 21	CLAY	SANDY, YELLOWISH-BROWN 10YR5/4, TILL.
21 - 24	GRAVEL	MEDIUM TO COARSE GRAINED, YELLOWISH-BROWN, 10YR5/4.
24 - 34	CLAY	BEDROCK, OXIDIZED.
34 - 46	SAND	FINE GRAINED, YELLOWISH-BROWN, 10YR5/4.
46 - 48	CLAY	TRACE OF SAND.
48 - 58	CLAY	SILTY, MODERATELY YELLOWISH-BROWN, 10YR5/4.
58 - 67	SILT	WITH CLAY AND VERY FINE GRAINED SAND, PALE BROWN, 5YR5/2.
67 - 70	CLAY	SILTY, MEDIUM LIGHT GRAY, N6.
70 - 71	SANDSTONE	FINE TO MEDIUM GRAINED, WELL CEMENTED, MED LIGHT GRAY, N6.
71 - 80	SAND	FINE GRAINED, YELLOWISH-BROWN.
80 - 81	SANDSTONE	
81 - 89	SAND	FINE GRAINED, BROWNISH-ORANGE.
89 - 98	SAND	FINE GRAINED, GREENISH-YELLOW.
98 - 100	SILT	TRACE OF CLAY AND SAND, REDDISH-BROWN.
100 - 122	SAND	WITH SILT, FINE GRAINED, GREENISH-YELLOW.
122 - 128	SAND	FINE GRAINED, OLIVE.
128 - 131	CLAY	MEDIUM GRAY.
131 - 137	CLAY	DARK GRAY.
137 - 140	SILT	WITH VERY FINE SAND, MEDIUM GRAY.
140 - 147	CLAY	DARK GRAY.
147 - 160	SAND	SILTY, FINE GRAINED, DARK GRAY.



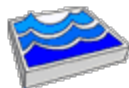
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140-081-12 CAC1

Data Source	ND State Water Commission	Well Index	15516
County	Burleigh	Date Drilled	04/29/1993
Aquifer	Undefined	Purpose	Observation Well - Plugged
Basin	Missouri River	Casing Type	PVC
MP Elevation (ft)	1,995.00	Diameter (in.)	2.0
Surface Elev. (ft)	1,995.00	Screened Interval (ft)	55 - 60
Elevation Source (Datum)	Topographic Map (NVDG29)	Coord (Long,Lat)	-100.84583, 46.95862
Total Depth (ft)	68.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 2	TOPSOIL	NO DESCRIPTION
2 - 5	CLAY	SANDY, MODERATE YELLOWISH-BROWN, 10YR5/4.
5 - 9	SAND	SILTY, FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
9 - 10	SANDSTONE	FINE TO MEDIUM GRAINED, WELL CEMENTED, MEDIUM LIGHT GRAY, N6.
10 - 22	SAND	FINE TO MEDIUM GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
22 - 26	CLAY	YELLOWISH GRAY, 5Y 8/1.
26 - 37	CLAY	SILTY, MODERATE YELLOWISH-BROWN, 10YR5/4.
37 - 46	SAND	SILTY, FINE GRAINED, OLIVE GRAY, 5Y4/1.
46 - 60	SAND	FINE GRAINED, OLIVE GRAY, 5Y4/1.
60 - 62	SHALE	MODERATE YELLOWISH-BROWN, 10YR5/4.
62 - 64	SANDSTONE	FINE GRAINED, WELL CEMENTED, MEDIUM DARK GRAY, N4.
64 - 68	SILT	WITH SAND AND CLAY, MEDIUM DARK GRAY, N4.



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140-081-12 CAC2

Data Source	ND State Water Commission	Well Index	15517
County	Burleigh	Date Drilled	05/11/1993
Aquifer	No Obs Well Installed	Purpose	Test Hole
Basin	Missouri River	Casing Type	None
MP Elevation (ft)	0.00	Diameter (in.)	0.0
Surface Elev. (ft)	1,995.58	Screened Interval (ft)	0 - 0
Elevation Source (Datum)	Survey 0.01 ft (NVDG29)	Coord (Long,Lat)	-100.84583, 46.95862
Total Depth (ft)	152.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 2	TOPSOIL	NO DESCRIPTION
2 - 9	SAND	FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
9 - 10	SANDSTONE	FINE GRAINED, GRAYISH-ORANGE, 10YR7/4.
10 - 22	SAND	FINE GRAINED, MODERATE YELLOWISH-BROWN WITH MANY BLACK GRAINS, 10YR7/4.
22 - 28	CLAY	STIFF, MEDIUM GRAY, N5.
28 - 41	SAND	FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
41 - 61	SAND	FINE GRAINED, LIGHT OLIVE GRAY, 5Y5/2.
61 - 62	CLAY	SILTY, MODERATE YELLOWISH-BROWN TO DARK YELLOWISH-ORANGE.
62 - 85	SAND	FINE GRAINED, LIGHT GRAY, 5Y5/2.
85 - 91	SAND	FINE GRAINED, OLIVE GRAY WITH MANY BLACK (LIGNITE) GRAINS, 5Y4/1.
91 - 96	CLAY	STIFF, MEDIUM DARK GRAY, N4.
96 - 98	CLAY	SILTY, SANDY, MEDIUM GRAY, N5.
98 - 99	SANDSTONE	
99 - 135	CLAY	STIFF TO SILTY, MEDIUM GRAY, N5.
135 - 138	CLAY	SANDY, MEDIUM DARK GRAY, N4.
138 - 142	CLAY	STIFF TO SILTY, MEDIUM DARK GRAY, N4.
142 - 152	CLAY	STIFF, MEDIUM DARK GRAY, N4.



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140-081-12 CBB1

Data Source	ND State Water Commission	Well Index	15515
County	Burleigh	Date Drilled	04/29/1993
Aquifer	Undefined	Purpose	Observation Well - Plugged
Basin	Missouri River	Casing Type	PVC
MP Elevation (ft)	1,972.71	Diameter (in.)	2.0
Surface Elev. (ft)	1,972.71	Screened Interval (ft)	45 - 50
Elevation Source (Datum)	Survey 0.01 ft (NVD29)	Coord (Long,Lat)	-100.85104, 46.96042
Total Depth (ft)	50.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 2	TOPSOIL	NO DESCRIPTION
2 - 10	SILT	SANDY, MODERATE YELLOWISH BROWN, 10YR5/4.
10 - 11	SANDSTONE	FINE GRAINED, LIGHT GRAY, N7.
11 - 13	CLAY	SANDY, MODERATE YELLOWISH-BROWN, 10YR5/4.
13 - 24	SAND	FINE GRAINED, YELLOWISH GRAY, 5Y7/2.
24 - 26	SAND	MODERATE REDDISH-ORANGE, 10YR6/6.
26 - 37	SAND	FINE GRAINED, OLIVE GRAY, 5Y4/1.
37 - 50	SAND	FINE TO MEDIUM GRAINED, OLIVE GRAY, 5Y4/1.



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140-081-12 CBB2

Data Source	ND State Water Commission	Well Index	15512
County	Burleigh	Date Drilled	04/29/1993
Aquifer	Undefined	Purpose	Observation Well - Plugged
Basin	Missouri River	Casing Type	PVC
MP Elevation (ft)	1,958.00	Diameter (in.)	2.0
Surface Elev. (ft)	1,958.00	Screened Interval (ft)	28 - 33
Elevation Source (Datum)	Topographic Map (NVGD29)	Coord (Long,Lat)	-100.85104, 46.96042
Total Depth (ft)	40.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 5	TOPSOIL	NO DESCRIPTION
5 - 13	SAND	VERY FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
13 - 20	SANDSTONE	FINE GRAINED, WELL CEMENTED, MODERATE YELLOWISH-BROWN, 10YR5/4.
20 - 33	SAND	FINE GRAINED, OLIVE GRAY, 5Y4/1.
33 - 35	SHALE	MODERATE REDDISH-ORANGE, 10YR6/6.
35 - 40	CLAY	MODERATE YELLOWISH-BROWN, 10YR5/4.



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140-081-12 CBB3

Data Source	ND State Water Commission	Well Index	15514
County	Burleigh	Date Drilled	05/11/1993
Aquifer	Undefined	Purpose	Observation Well
Basin	Missouri River	Casing Type	PVC
MP Elevation (ft)	1,960.69	Diameter (in.)	2.0
Surface Elev. (ft)	1,958.85	Screened Interval (ft)	58 - 68
Elevation Source (Datum)	Survey 0.01 ft (NVD29)	Coord (Long,Lat)	-100.85104, 46.96042
Total Depth (ft)	70.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 2	TOPSOIL	NO DESCRIPTION
2 - 33	SAND	FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
33 - 35	SANDSTONE	FINE GRAINED, PALE YELLOWISH-BROWN, 10YR6/2.
35 - 46	SAND	FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
46 - 60	SAND	FINE GRAINED, MODERATE BROWN, 5YR4/4.
60 - 61	CLAY	MEDIUM GRAY, N5.
61 - 62	SANDSTONE AND LIGNITE	NO DESCRIPTION
62 - 64	CLAY	SILTY, MEDIUM GRAY, N5.
64 - 67	SAND	FINE GRAINED, MEDIUM GRAY, N5.
67 - 70	CLAY	GRAYISH-BROWN, 5YR3/2.



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140-081-12 CCB

Data Source	ND State Water Commission	Well Index	15513
County	Burleigh	Date Drilled	04/29/1993
Aquifer	Undefined	Purpose	Observation Well
Basin	Missouri River	Casing Type	PVC
MP Elevation (ft)	1,990.91	Diameter (in.)	2.0
Surface Elev. (ft)	1,989.01	Screened Interval (ft)	78 - 88
Elevation Source (Datum)	Survey 0.01 ft (NVDG29)	Coord (Long,Lat)	-100.85107, 46.95683
Total Depth (ft)	91.00	USGS ID	
Bedrock Depth (ft)	0.00		

Lithologic Log

Interval (ft)	Unit	Description
0 - 2	TOPSOIL	NO DESCRIPTION
2 - 6	SILT	SANDY, LIGHT GREENISH-GRAY, 5GY8/1.
6 - 7	SANDSTONE	FINE GRAINED, WELL CEMENTED, MODERATE REDDISH-ORANGE, 10YR6/6.
7 - 13	SANDSTONE	FINE GRAINED, MODERATELY CEMENTED, MODERATE YELLOWISH-BROWN, 10YR5/4.
13 - 21	SAND	FINE GRAINED, LIGHT OLIVE GRAY, 5Y6/1.
21 - 44	SAND	FINE GRAINED, OLIVE GRAY 5Y, 4/1.
44 - 53	SAND	SILTY, FINE GRAINED, OLIVE GRAY, 5Y4/1.
53 - 57	SANDSTONE	FINE GRAINED, WELL CEMENTED, MEDIUM DARK GRAY, N4.
57 - 69	SAND	SILTY, FINE GRAINED, MODERATE YELLOWISH-BROWN, 10YR5/4.
69 - 71	SAND	FINE GRAINED, LIGHT OLIVE GRAY, 5Y6/1.
71 - 73	CLAY	SILTY, MODERATE YELLOWISH-BROWN, 10YR5/4.
73 - 78	CLAY	SILTY, GREENISH-GRAY, 5G6/1.
78 - 81	CLAY	SANDY, MEDIUM DARK GRAY, N4.
81 - 84	CLAY	MEDIUM DARK GRAY, N4.
84 - 89	SAND	VERY FINE GRAINED, MEDIUM DARK GRAY, N4.
89 - 91	CLAY	MEDIUM DARK GRAY, N4.



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